

ATTACHMENT J

Deposition of Sandra Wolfgang

U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

* * * * *

LISA LAMBERT,

Plaintiff

vs

SUPERINTENDENT

WILLIAM WOLF, et al.,

Defendants

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* NO.:

* C.A. 96-247-Erie

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DEPOSITION OF

SANDRA WOLFGANG

SEPTEMBER 9, 1998

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U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

* * * * *

SYLVIA VASQUEZ,

Plaintiff

vs

SUPERINTENDENT

WILLIAM WOLF, et al.,

Defendants

*

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* NO.:

* C.A. 96-429-Erie

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DEPOSITION OF
SANDRA WOLFGANG
SEPTEMBER 9, 1998

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U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

* * * * *

ROBIN PHILLIPS,

Plaintiff

vs

SUPERINTENDENT

WILLIAM WOLF, et al.,

Defendants

*

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* NO.:

* C.A. 98-59-Erie

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DEPOSITION OF
SANDRA WOLFGANG
SEPTEMBER 9, 1998

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1 U.S. DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA
3 * * * * *
4 *
5 SYLVIA VASQUEZ, *
6 Plaintiff * NO.:
7 vs * C.A. 96-429-Erie
8 SUPERINTENDENT *
9 WILLIAM WOLF, et al., *
10 Defendants *
11 *
12 * * * * *
13
14 DEPOSITION OF
15 SANDRA WOLFGANG
16 SEPTEMBER 9, 1998
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Page 4

1 DEPOSITION
2 OF
3
4 SANDRA WOLFGANG, taken on behalf of the
5 Plaintiff herein, pursuant to the Rules
6 of Civil Procedure, taken before me, the
7 undersigned, Shannon C. Hagerty, a Court
8 Reporter and Notary Public in and for the
9 Commonwealth of Pennsylvania, at SCI
10 Cambridge Springs, Cambridge Springs,
11 Pennsylvania, on Wednesday, September 9,
12 1998, at 9:33 a.m.
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Page 3

1 U.S. DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA
3 * * * * *
4 *
5 ROBIN PHILLIPS, *
6 Plaintiff * NO.:
7 vs * C.A. 98-59-Erie
8 SUPERINTENDENT *
9 WILLIAM WOLF, et al., *
10 Defendants *
11 *
12 *
13 * * * * *
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15 DEPOSITION OF
16 SANDRA WOLFGANG
17 SEPTEMBER 9, 1998
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18 Karmanic
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<div>Page 7</div> <div>1 EXHIBIT PAGE</div> <div>2</div> <div>3 PAGE</div> <div>4 NUMBER DESCRIPTION IDENTIFIED</div> <div>5</div> <div>6 NONE OFFERED</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>	<div>Page 9</div> <div>1 PROCEEDINGS</div> <div>2 -----</div> <div>3 SANDRA WOLFGANG, HAVING FIRST BEEN DULY</div> <div>4 SWORN, TESTIFIED AS FOLLOWS:</div> <div>5 -----</div> <div>6 DIRECT EXAMINATION</div> <div>7 BY ATTORNEY KRAKOFF:</div> <div>8 Q. Would you state your name,</div> <div>9 please?</div> <div>10 A. My name is Sandra Wolfgang.</div> <div>11 ATTORNEY HALLORAN:</div> <div>12 For the purposes of</div> <div>13 discovery only the parties have</div> <div>14 agreed to attach two volumes of</div> <div>15 deposition exhibits relating to</div> <div>16 three cases, Lambert versus Wolf,</div> <div>17 Vasquez versus Wolf and Phillips</div> <div>18 versus Wolf. This is a</div> <div>19 concession only for the purposes</div> <div>20 of discovery and will not --- and</div> <div>21 may be limited later at trial.</div> <div>22 ATTORNEY KRAKOFF:</div> <div>23 And we'll make it</div> <div>24 explicit that as we've been doing</div> <div>25 I think all along with these</div>

Page 10

1 depositions is that Mr. Halloran
 2 will reserve all objections with
 3 the exception of the form of the
 4 question for trial. And make it
 5 clear that since we're getting
 6 into information that may or may
 7 not be relevant to each of the
 8 cases, that Mr. Halloran is
 9 reserving any objection as to
 10 relevance or any other objection
 11 in connection with the
 12 introduction of exhibits that may
 13 pertain to one of the Plaintiffs,
 14 but not to the other.

15 ATTORNEY HALLORAN:
 16 That's true for both the
 17 exhibits and questions as they
 18 relate to particular Plaintiffs.

19 ATTORNEY KRAKOFF:
 20 Right. Okay. We're
 21 ready to begin.

22 BY ATTORNEY KRAKOFF:
 23 **Q. We started your deposition I**
 24 **guess a couple of months ago and what I'm**
 25 **going to do is to --- because I don't**

Page 11

1 **have the transcript. I'm going to**
 2 **briefly cover some of the preliminary**
 3 **questions again. I'm not doing this, so**
 4 **that I can get a second crack at your**
 5 **answers. I think that we barely began to**
 6 **go into the substance of the testimony.**

7 ATTORNEY HALLORAN:
 8 Can we also indicate for
 9 the purpose of the record that a
 10 release has been obtained, a
 11 written release has been obtained
 12 from each Plaintiff, that's
 13 Lambert, Vasquez and Phillips,
 14 permitting the disclosure of
 15 psychological and psychiatric
 16 information.

17 ATTORNEY KRAKOFF:
 18 And what I'll do so that
 19 this will be fair, if this is
 20 agreeable to you, let us have
 21 this as the only deposition of
 22 Ms. Wolfgang so that at a later
 23 time if there's any consistency
 24 between the first deposition and
 25 this one, that I can't use the

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1 second one or the first one in
 2 order to show a contradiction.
 3 So this is going to supersede and
 4 replace any previous deposition.
 5 And the previous deposition will
 6 be null and void for purposes of
 7 this litigation.

8 ATTORNEY HALLORAN:
 9 That's fine.

10 BY ATTORNEY KRAKOFF:
 11 **Q. Ms. Wolfgang, when did you begin**
 12 **to work as a staff psychologist at SCI**
 13 **Cambridge Springs?**

14 A. I was hired by the Department of
 15 Corrections in February of 1993. I spent
 16 three weeks at the training academy and I
 17 started in the capacity of psychologist I
 18 in March of 1993.

19 **Q. And would you just summarize your**
 20 **progression in terms of your position,**
 21 **after you began to work at the prison.**

22 A. Well, within a year and a half we
 23 hired two additional staff. I was
 24 promoted to licensed psychologist
 25 manager, I believe in '94, perhaps '95.

Page 13

1 Pretty much since the onset of my
 2 employment I have functioned as the
 3 department head for the psychological
 4 services department here.

5 **Q. Do you have any clerical staff**
 6 **that performs work on your behalf in**
 7 **terms of transcribing notes or other**
 8 **things?**

9 A. I have access to clerical staff
 10 that type the psychological evaluations,
 11 that are done by my staff and in the last
 12 eight months I've been given some
 13 part-time clerical support from the
 14 secretary who had been with and still is
 15 the parenting department, who does filing
 16 and copying for me. As far as
 17 transcribing notes, we pretty much do our
 18 notes handwritten.

19 **Q. The DC-14 ---,**

20 A. Yeah. The cumulative adjustment
 21 record forms.

22 **Q. Right. Did you type those or did**
 23 **somebody type those for you relative to**
 24 **Lisa Lambert?**

25 A. I do not type progress notes. If

Page 14

1 they were typed, they were typed by
 2 someone else.
 3 **Q. Now, in your capacity as a staff**
 4 **psychologist at Cambridge Springs, did**
 5 **you provide individual therapy to**
 6 **Cambridge Springs' inmates during the**
 7 **years 1994, 1995 and 1996?**
 8 A. Yes, sir.
 9 **Q. And in what year did you begin to**
 10 **provide individual therapy for Cambridge**
 11 **Springs' inmates?**
 12 A. 1993.
 13 **Q. And in your capacity as a staff**
 14 **psychologist at Cambridge Springs, did**
 15 **you see Cambridge Springs' inmates in**
 16 **group therapy sessions during the years**
 17 **--- between 1994 and 1996?**
 18 A. Yes. Group counseling.
 19 **Q. And in what year did you begin to**
 20 **work with inmates in group counseling**
 21 **encounters?**
 22 A. I don't know for certain whether
 23 we started doing groups as early as '93,
 24 or whether it took us until 1994 to
 25 actually get group programming underway.

Page 15

1 **Q. All right. What groups between**
 2 **the years, possibly 1993, but 1994, 1995**
 3 **and 1996 did you operate? What kinds of**
 4 **groups?**
 5 A. Myself personally or my staff?
 6 **Q. Yourself.**
 7 A. Conclusive of my staff. I run a
 8 couple of different treatment groups that
 9 deal with the topic of co-dependency and
 10 dysfunctional family systems. Somewhere
 11 in either '94 or '95 we got our sex
 12 offender program up and running. And I
 13 run the second module of that program,
 14 the relapse prevention module. Both of
 15 those groups are more didactic, more
 16 psychoeducational and then I also run a
 17 therapeutic group that deals more
 18 specifically with the individual lives of
 19 the women that is a step above the
 20 co-dependency group.
 21 **Q. Do you have a recollection of**
 22 **whether you saw Lisa Lambert within the**
 23 **framework of any groups while she was an**
 24 **inmate at Cambridge Springs?**
 25 A. It is my recollection that I

Page 16

1 never worked with Ms. Lambert in the
 2 context of group therapy, group
 3 counseling.
 4 **Q. What about Robin Phillips?**
 5 A. Robin Phillips has been in module
 6 two of the sex offender program, probably
 7 for about two years now.
 8 ATTORNEY HALLORAN:
 9 Could we just clarify
 10 when --- was that the first time
 11 you had her in a group?
 12 A. Ms. Phillips?
 13 ATTORNEY HALLORAN:
 14 Yes.
 15 A. Yes.
 16 ATTORNEY HALLORAN:
 17 And that would have been
 18 two years from September of '98?
 19 A. Well, I'd have to --- I don't ---
 20 I'm not going to swear as to the date.
 21 I'd have to look in the records to
 22 determine that.
 23 BY ATTORNEY KRAKOFF:
 24 **Q. What about Sylvia Vasquez? Did**
 25 **you see her within the framework of a**

Page 17

1 **group?**
 2 A. No, sir, I did not.
 3 **Q. Okay. Did you see Lisa Lambert**
 4 **in the context of providing individual**
 5 **therapy to her?**
 6 A. Individual counseling.
 7 **Q. What is the distinction between**
 8 **individual counseling and individual**
 9 **therapy?**
 10 A. Therapy is more of an in-depth
 11 process as opposed to counseling which is
 12 less in depth and dealing with more here
 13 and now issues and towards resolution of
 14 those here and now issues, as opposed to
 15 attempting to resolve lifelong
 16 difficulties that are engraved in the
 17 character.
 18 **Q. Did you see Robin Phillips in the**
 19 **context of providing individual**
 20 **counseling or individual therapy?**
 21 A. In the last year or so I have, in
 22 fact, seen Ms. Robin Phillips
 23 individually and that has been as an
 24 adjunct to sex offender specific group
 25 therapy. Those individual sessions have

<p style="text-align: right;">Page 18</p> <p>1 focused on her work in sex offender 2 specific treatment. 3 Q. And Sylvia Vasquez, did you see 4 her in the context of either counseling 5 or in provision of individual therapy? 6 A. I saw Ms. Vasquez for a series of 7 individual counseling sessions. 8 Q. Do you recall when --- the time 9 period you saw her? 10 A. I'm estimating here from memory. 11 Q. Well, do you have her records 12 with you? 13 A. No, I do not, sir. Those records 14 were transferred to SCI Muncy when she 15 left SCI Cambridge Springs and went to 16 SCI Muncy. 17 ATTORNEY HALLORAN: 18 We're trying to get them. 19 I thought we had them and they 20 may be here this morning. I 21 think they were being lifelong. 22 ATTORNEY KRAKOFF: 23 Okay. I'm going to 24 obviously reserve the right to 25 recall Ms. Wolfgang either today,</p>	<p style="text-align: right;">Page 20</p> <p>1 A. You mean the fact that she had 2 signed a release? 3 Q. Yes. 4 A. I became aware of that on Tuesday 5 of last week or Wednesday of last week. 6 Q. Did you take any steps to have 7 those records located and brought to 8 Cambridge Springs? 9 A. No, sir, I did not. 10 ATTORNEY HALLORAN: 11 Let me say --- I took 12 steps to have the records 13 located. I think they made a 14 mistake. What they sent me was 15 all the medical records and 16 didn't send the DC-14s. So they 17 are in the process of trying to 18 --- we're not objecting to 19 producing them. We'll produce 20 them as soon as we get them. The 21 Vasquez DC-14s, it's my 22 understanding were sent 23 overnight, yesterday. And I 24 realize that they didn't --- 25 hadn't sent the right records.</p>
<p style="text-align: right;">Page 19</p> <p>1 if we don't have them or for 2 tomorrow. 3 ATTORNEY HALLORAN: 4 I understand. As soon as 5 they come, if they come, we'll 6 give them to you. 7 BY ATTORNEY KRAKOFF: 8 Q. What about Robin Phillips? Do 9 you have her records? 10 A. Robin Phillips' records should 11 all be here. She is in this institution 12 now. 13 Q. And did you bring records 14 associated with Lisa Lambert? 15 A. I have no records of Lisa 16 Lambert. Those records were relinquished 17 years ago when she left this institution. 18 Q. Where were they relinquished to? 19 A. To the records department. What 20 the records department does with them, 21 I'm not really certain. 22 Q. Were you aware of the fact that 23 we had an authorization that was 24 furnished to Mr. Halloran in connection 25 with reviewing Lisa Lambert's records?</p>	<p style="text-align: right;">Page 21</p> <p>1 Ms. Wolfgang does have 2 recollection, independent 3 recollection of her treatment of 4 each of these Plaintiffs which 5 she's prepared to testify to. 6 And I understand that you 7 can recall her, if you wish to, 8 in light of the records that are 9 produced. It's Ms. Wolfgang's 10 recollection that the records 11 with regard to Lambert are maybe 12 very sketchy, because there 13 wasn't any department requirement 14 that written DC-14s be maintained 15 of your interviews or 16 conversations with patients at 17 the time or your inmates at the 18 time that she was having 19 discussions with Lambert. 20 And it was also a time 21 when Ms. Lambert, I believe, was 22 in the RHU which also made it 23 more problematic in terms of 24 completing any written record 25 upon interview. So there may be</p>

<p style="text-align: right;">Page 22</p> <p>1 recollection of interviews that 2 Ms. Wolfgang has that won't be 3 reflected in any written record 4 because the requirements didn't 5 exist at the time of the 6 contacts. 7 BY ATTORNEY KRAKOFF: 8 Q. Do you adopt that testimony as 9 your testimony, what Mr. Halloran just 10 represented? 11 A. Yes, sir. 12 Q. And was that information that Mr. 13 Halloran related now, information that 14 you had provided to him? 15 A. Yes, sir. 16 Q. Now, let me focus a while on Lisa 17 Lambert. You did see Lisa Lambert in 18 your capacity as a staff psychologist 19 while she was an inmate at Cambridge 20 Springs? 21 A. Yes. 22 Q. When did you begin to see her? 23 A. My recollection is that it was 24 sometime in 1993, exactly when, I don't 25 know for certain.</p>	<p style="text-align: right;">Page 24</p> <p>1 response to her request and sent that 2 copy over to the corrections counselor. 3 There's also a possibility that I simply 4 responded to the request, sent it to the 5 inmate and didn't make a copy. In which 6 case there wouldn't be a copy of the 7 request or my response to the request in 8 the record necessarily. 9 Q. Now, do you have a recollection 10 of what prompted the first contact from 11 Lisa Lambert, either directly by her or 12 through her counselor? What issue or 13 issues? 14 A. My recollection is that --- the 15 difficulties that were brought to my 16 attention initially with regard to Ms. 17 Lambert involved her having certain 18 feelings, possibly feelings of 19 frustration related to the perception on 20 her part that certain personnel within 21 the institution were not listening to 22 some of her concerns. 23 Q. Do you recall scheduling a 24 meeting and, in fact, having a meeting 25 with her, a first meeting?</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. And do you recall why you saw her 2 in 1993, if, in fact, it was 1993? 3 Regardless of when it was, do you recall 4 why you saw her for the first time? 5 A. I'm not certain whether I saw her 6 for the first time at her written request 7 or whether I saw her for the first time 8 because she was referred to me by her 9 corrections counselor. But I believe it 10 was one of those two possibilities. 11 Either she wrote to me personally 12 requesting to be seen or the counselor 13 made a referral asking that I see her. 14 Q. Would either a request by an 15 inmate to being seen or a referral by a 16 counselor be incorporated in the records 17 that you would maintain about an inmate? 18 A. If the counselor referred the 19 person, in all likelihood there would be 20 a form entitled the DC-97 form, which is 21 a snap-set kind of form and one of the 22 four copies would exist in the record. 23 If the inmate wrote to me personally, 24 there is a possibility that at that time 25 I copied the inmate's request and my</p>	<p style="text-align: right;">Page 25</p> <p>1 A. I don't remember the first 2 meeting very well at all and that's 3 honest. My memory is more with regard to 4 content over a series of meetings with 5 her both in one-to-one sessions in my 6 office and while she was maintained in 7 the restricted housing unit. I cannot 8 honestly say that I recall clearly our 9 first meeting and the specifics with 10 regard to content of that first meeting. 11 It's rather that my memory is more of a 12 kind of a gestalt of this woman's 13 concerns and what we discussed in the 14 context of our one-to-one interactions. 15 Q. Let me show you --- perhaps Mr. 16 Halloran can show you a copy of Group 17 Exhibit Ten, which is a DC-14 cumulative 18 adjustment record and there's an entry 19 dated 9/1/94. 20 A. Yes. 21 Q. And is that in your handwriting? 22 A. Yes, it is, sir. 23 Q. And it reads, Ms. Lambert 24 participating in individual therapy 25 sessions on 8/15 and 8/26/94?</p>

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1 A. Right.
 2 **Q. Now, this is 1994 in September.**
 3 **Based upon your testimony this morning, I**
 4 **take it that while there is not a record**
 5 **of that, that you have an independent**
 6 **recollection of meeting with her sometime**
 7 **prior to September of 1994?**
 8 A. Well, now that I see this I guess
 9 I question whether, in fact, I did see
 10 her in '93 or, in fact, I started seeing
 11 her in 1994. Because I do recall that
 12 she was maintained in this institution
 13 for quite a while before I started seeing
 14 her. And it may be that I didn't start
 15 seeing her until 1994.
 16 **Q. Okay. And this is almost the end**
 17 **of 1994?**
 18 A. Right.
 19 **Q. This is September.**
 20 ATTORNEY KRAKOFF:
 21 I'm sorry, Mr. Halloran?
 22 ATTORNEY HALLORAN:
 23 I was just going to note
 24 that the Group Exhibit Ten is a
 25 two-page exhibit which refers to

Page 27

1 visits through October of '94.
 2 ATTORNEY KRAKOFF:
 3 Right. I was going to
 4 get to that.
 5 BY ATTORNEY KRAKOFF:
 6 **Q. So maybe that August 15, 1994,**
 7 **was the first time that you saw Ms.**
 8 **Lambert?**
 9 A. That may be, sir.
 10 **Q. And you noted in here that she**
 11 **was participating in individual therapy**
 12 **sessions. You characterize that as**
 13 **therapy?**
 14 A. Yes.
 15 **Q. Okay. So it was more than**
 16 **counseling?**
 17 A. I think I have a tendency to kind
 18 of use those interchangeably, although,
 19 they are not synonymous.
 20 **Q. Okay. So therapy may not**
 21 **accurately describe what those sessions**
 22 **were in August of 1994?**
 23 A. I think I would agree with that
 24 because I recall basically that we did
 25 not start out by doing a thorough

Page 28

1 psychosocial history and identifying, you
 2 know, problems that were long-standing
 3 that we were going to try to work on in
 4 the course of individual therapy. It was
 5 more that she was having difficulties in
 6 the here and now which were situational
 7 related to what was going on in the
 8 institution and she was reaching out in
 9 my opinion for a listener and for someone
 10 to in some way assist her with those here
 11 and now situational problems.
 12 **Q. Do you recall when --- the first**
 13 **time you actually recall visibly seeing**
 14 **her? I'm distinguishing that from**
 15 **engaging in some sort of either**
 16 **counseling or therapy session with her.**
 17 **Do you recall the first time that you**
 18 **actually laid eyes on her?**
 19 A. Not with regard to dates, sir,
 20 no.
 21 **Q. Okay. Do you recall whether the**
 22 **first time you saw her she was in the**
 23 **company of another inmate?**
 24 A. No, I do not recall that, sir.
 25 **Q. Do you sometimes prepare what**

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1 **would be referred to as a time line in**
 2 **connection with the provision of either**
 3 **counseling or therapy for an inmate?**
 4 A. No, sir, I haven't used time
 5 lines as a therapeutic tool.
 6 **Q. Okay.**
 7 A. I've used lifelines and had
 8 inmates do a chronology of the
 9 significant events in their life.
 10 **Q. Okay. Perhaps I used the wrong**
 11 **word. Do you recall --- what is the**
 12 **purpose of a lifeline as you use them?**
 13 A. A lifeline as I use them is
 14 pretty much an autobiography that is
 15 produced by the woman for the purpose of
 16 dealing with issues of childhood abuse,
 17 sexual, physical abuse, getting them
 18 through that process to identify
 19 unresolved issues that have impacted
 20 their character development. The
 21 ego-defense mechanisms that they have
 22 developed in response to early trauma and
 23 abuse. How those are still in some cases
 24 being utilized in the here and now and
 25 being utilized maladaptively and how we

<p style="text-align: right;">Page 30</p> <p>1 can begin to break through some of those 2 defenses and become more adaptive in our 3 behavior now. 4 Q. Now, is that something when you 5 do a lifeline, is that something you do 6 in connection with counseling or is that 7 something you do in connection when you 8 begin the process of individual therapy? 9 A. That is something that right now 10 I'm doing pretty much in the context of 11 the advanced co-dependency group which is 12 a therapeutic group and that is therapy. 13 Q. Okay. Back then did you prepare 14 lifelines in connection with mere 15 counseling as opposed to therapy? 16 A. No, sir. 17 Q. Do you have a recollection of 18 whether you prepared a lifeline for Lisa 19 Lambert? 20 A. I did not prepare a lifeline for 21 Lisa Lambert. 22 Q. And you're sure of that? 23 A. Yes, sir. 24 Q. The concern that Lisa Lambert 25 expressed to you, I think it was early on</p>	<p style="text-align: right;">Page 32</p> <p>1 that to mean more than one rather than a 2 certain person? 3 A. At the time when we first started 4 interacting one on one, her focus was on 5 Sergeant Raun. 6 Q. Okay. Did she describe to you 7 what the harassment --- the nature of the 8 harassment that she said she was being 9 subjected to by Sergeant Raun? 10 A. My recollection is that she had 11 indicated that he was staring at her in a 12 way that made her uncomfortable in the 13 dietary department while she was eating. 14 Q. Anything else? 15 A. Well, are we moving on here? 16 Q. No, initially. Initially. 17 A. Initially that's all I can 18 remember. I'm not saying that there 19 wasn't more, but without any written 20 documentation I couldn't be certain that 21 there was more than that. 22 Q. Did she describe specific 23 episodes or incidents meaning dates or 24 occasions when Sergeant Raun was 25 allegedly staring at her?</p>
<p style="text-align: right;">Page 31</p> <p>1 and correct me if I'm wrong, was that she 2 had a perception of having difficulty in 3 having certain feelings of frustration 4 related --- that she felt that certain 5 personnel were not listening to her 6 concerns; is that right? 7 A. Yes, sir. 8 Q. Okay. And was that early on in 9 her contact with you that she expressed 10 that feeling that certain personnel were 11 not listening to her concerns? 12 A. Yes, sir. 13 Q. And do you have a recollection of 14 what the concerns were that she believed 15 personnel were not listening to her 16 about? 17 A. My recollection is that she had 18 made some allegations regarding some 19 level of harassment that she was 20 subjected to identifying Sergeant Raun at 21 the time as someone who was harassing her 22 in the institutional setting. 23 Q. Did she mention any other 24 personnel because you used the expression 25 certain personnel and at least I took</p>	<p style="text-align: right;">Page 33</p> <p>1 A. She may have done that, but I 2 certainly can't recall. 3 Q. You can't recall the specific 4 episodes or you can't recall whether she 5 was specific about episodes? In other 6 words, was she giving you a general 7 allegation that Sergeant Raun was staring 8 at her in ways that made her feel 9 uncomfortable or did she give examples of 10 occasions when Sergeant Raun had 11 allegedly stared at her? 12 A. She may have given me specific 13 examples, but I'm not able to say that 14 for certain. 15 Q. Now, do you have a recollection 16 of whether you took notes early on when 17 she made these allegations or this 18 allegation about Sergeant Raun? 19 A. I did not take notes. This is 20 pretty much the extent of my note taking. 21 Q. Meaning Exhibit Ten, pages one 22 and two? 23 A. Yes, sir. 24 Q. Was it your practice in or about 25 August of 1994 not to take notes when you</p>

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1 **had meetings with --- counseling meetings**
2 **with inmates?**

3 A. It was my practice to note that
4 the individual session did, in fact,
5 transpire and the date on which it
6 transpired or the dates. That's pretty
7 much what we were instructed to do by the
8 Harrisburg people.

9 ATTORNEY HALLORAN:

10 And the format that
11 you're referring to was Exhibit
12 Ten of the deposition, this
13 format?

14 A. Yes.

15 BY ATTORNEY KRAKOFF:

16 Q. Now, who had instructed you to
17 limit your notes --- and I'm using the
18 term limit, to limit your notes to the
19 date of the session took place and the
20 name of the inmate who participated in
21 the session?

22 A. Well, the chief of psychological
23 services at the time was very focused on
24 confidentiality and he had indicated in
25 the chief psychologist meetings that we

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1 wanted to, you know, keep any notes of
2 individual therapy very brief and
3 basically identifying that it's taking
4 place and the date without really getting
5 into disclosure of content. And my
6 understanding was that this was because
7 we wanted confidentiality maintained.
8 Q. Confidentiality vis-a-vis the
9 inmate or confidentiality vis-a-vis third
10 parties or confidentiality vis-a-vis both
11 the inmate and third parties? Did he
12 explain to you who you were attempting to
13 maintain confidentiality against or from?

14 ATTORNEY HALLORAN:

15 I'm going to object to
16 the form of the question.

17 ATTORNEY KRAKOFF:

18 Let me rephrase the
19 question.

20 BY ATTORNEY KRAKOFF:

21 Q. Confidentiality, I take it, as
22 you understood it, meant that somebody
23 else other than at least yourself would
24 not become aware of the content of your
25 sessions; is that right?

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1 A. Yes.

2 Q. Now, what I'm asking is, did you
3 understand the chief psychologist to be
4 saying that the confidentiality was to be
5 vis-a-vis the inmate so that the inmate
6 wouldn't be able to read what had
7 occurred at the session?

8 A. No, sir.

9 Q. Okay. Because the inmate would
10 have been there.

11 A. My understanding, it was to
12 protect the interest of the inmate.

13 Q. Okay. From whom is my question?
14 Did the chief psychologist say who he was
15 attempting to ---?

16 A. No, he did not specify, sir.

17 Q. Okay. Now, you were a
18 psychologist prior to coming to Cambridge
19 Springs?

20 A. Yes, sir.

21 Q. Okay. And had you worked in ---
22 had you practiced as a psychologist
23 before coming to Cambridge Springs?

24 A. Yes, sir.

25 Q. Would you just identify the place

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1 or places where you had practiced
2 psychology prior to coming to Cambridge
3 Springs?

4 A. I started out my career employed
5 by DuBois Regional Medical Center where I
6 was employed as a mental health
7 therapist. I worked there for about five
8 and a half years. During the course of
9 those five and a half years, I became
10 licensed to practice psychology in the
11 State of Pennsylvania. My primary
12 responsibilities in that capacity were
13 psychological evaluations and individual
14 and group therapy with the inpatient
15 population of the psychiatric unit in
16 that hospital.

17 From there I took a position
18 employed by Clearfield Jefferson
19 Community Mental Health where I directed
20 a satellite clinic in Brookville,
21 Pennsylvania, which was outpatient and
22 was responsible for providing outpatient
23 psychiatric and psychological services to
24 the Brookville community. I had a
25 consulting psychiatrist. I had a small

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1 staff. We did individual therapy
2 primarily with people in the community.
3 From there I moved to the State
4 of Ohio, okay, where I pretty much
5 relinquished my licensure status and was
6 employed by an agency called Parmadale
7 (phonetic), Incorporated, where I worked
8 for, oh, a little over a year in a
9 residential treatment setting with
10 adolescent sex offenders who were court
11 mandated to sex offenders specific
12 treatment.

13 From there I came back to the
14 State of Pennsylvania where I regained my
15 licensure status and was employed for
16 approximately a year and a half by
17 Lutheran Social Services, Bethesda
18 Children's Home where I worked as a
19 psychologist working with delinquent and
20 dependent youth.

21 **Q. Did you provide individual
22 therapy there?**

23 A. Yes, sir, I did. And from there
24 I came to this position.

25 **Q. Now, in at least three of those**

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1 settings, DuBois, Brookville and Lutheran
2 Social Services, you provided individual
3 therapy; correct?

4 A. Yes, sir.

5 **Q. Now, was it your practice in
6 those settings not to take substantive
7 notes about the content of your therapy
8 sessions?**

9 A. I would say generally no.

10 **Q. That it was your practice not to
11 take notes or the reverse?**

12 A. No. When I worked for DuBois
13 Regional Medical Center, there was a
14 certain format that we utilized to do
15 progress notes when we had individual
16 contact with the inpatients there and
17 that format was very similar. It was
18 actually the same as the format that you
19 see in Ms. Phillips' records. Okay.
20 It's soap note format which is a pretty
21 standard kind of format required for
22 accreditation of hospitals, okay, when
23 you're doing that kind of work.

24 **Q. You would include subjective
25 evaluation or subjective impressions?**

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1 A. Subjective is the quote from the
2 patient or the client. Objective is your
3 observations. A is your assessment and P
4 is your plan and that was the standard
5 format that I utilized during the years
6 that I worked for DuBois Regional Medical
7 Center.

8 **Q. So in that context you did take
9 notes ---**

10 A. Yes, sir.

11 **Q. --- which would have reflected
12 the specific complaint or issues raised
13 by the patient; correct?**

14 A. Yes, sir.

15 **Q. And you would take notes about
16 your impressions based upon what the
17 patient either told you or what you
18 observed about the patient; correct?**

19 A. Yes.

20 **Q. And what else would you notes
21 include, the assessment?**

22 A. Yes.

23 **Q. And generically speaking what
24 kind of information would that include?**

25 A. That may be one word and the word

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1 might be depressed.

2 **Q. Okay. And then what was the P
3 for?**

4 A. That stands for plan and that's
5 to speak to where do we go in terms of
6 interventions to assist this individual.

7 **Q. And what about at Brookville, was
8 it similar?**

9 A. We used the same format.

10 **Q. Okay. And Lutheran Social
11 Services?**

12 A. Lutheran Social Services I don't
13 believe that we used that format. That
14 format is more familiar to me in
15 community mental health and in hospital
16 settings. I don't think we used the soap
17 format, but I don't know that
18 definitively. I don't know.

19 **Q. Do you have whether it was soap
20 or not? Were your notes limited to the
21 name of the person that you were
22 counseling and the date that the session
23 took place or did you include substantive
24 information related to the issues
25 discussed and your impressions and what**

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1 your plans would be as far as treatment?

2 A. I think I can reasonably say that
3 in my prior employment settings that my
4 notes were generally more substantive
5 than what these are, sir.

6 Q. Now, what was your understanding
7 as a psychologist of the purpose or
8 purposes to be served by having
9 substantive notes related to sessions?

10 A. So that you can look back and you
11 can see what you did two weeks ago
12 without having to keep that in your mind
13 since memory is never perfect. Also so
14 that it provides a written record of what
15 transpired in the sessions.

16 Q. Okay. Now, were you ordered by
17 the chief psychologist not to take
18 substantive notes or was that a
19 recommendation as you understood it, one
20 that you could either elect to follow or
21 not to follow?

22 ATTORNEY HALLORAN:

23 Let me object to the form
24 of the question because I don't
25 want to confuse the question as

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1 being --- are you directing the
2 question with regard specifically
3 to Ms. Lambert ---

4 ATTORNEY KRAKOFF:

5 No.

6 ATTORNEY HALLORAN:

7 --- or to her general
8 practice?

9 ATTORNEY KRAKOFF:

10 Yes. The general
11 practice.

12 BY ATTORNEY KRAKOFF:

13 Q. I'm going back to the time when
14 you said that the chief psychologist had
15 a meeting.

16 A. I would say ordered is not the
17 appropriate word. Okay. Recommended is
18 the appropriate word.

19 Q. Okay. And when that
20 recommendation occurred, was that in 1993
21 as best you can recall?

22 A. I don't know if it was '93 or
23 '94.

24 Q. Is it your recollection that that
25 recommendation would have occurred

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1 sometime prior to August of 1994, when
2 the notes in Exhibit Ten ---

3 A. Yes.

4 Q. --- were prepared?

5 A. Logically, yes.

6 Q. Logically because you're drawing
7 an inference since this entry didn't
8 contain substantive notes that ---?

9 A. It would have been prior to the
10 entry, yes.

11 Q. Now, was it your practice, with
12 all of the women that you were seeing at
13 the time you were seeing Ms. Lambert ---
14 was it your practice to do as you did
15 here, not to include substantive notes?

16 A. I recall, sir, that at that
17 particular time my memory is that the
18 Department of Corrections as far as
19 psychologically, psychiatric services was
20 in a transitional state and that in the
21 course of a couple of years, and I'm
22 talking '94 and '95, that the direction
23 that we were getting from Harrisburg was
24 not entirely consistent. What I recall
25 was that early in my career there was a

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1 great deal of emphasis on
2 confidentiality, okay. And then
3 somewhere along the line there with the
4 Austin litigation we kind of switched
5 from, say, less to, say, more and that
6 the direction fluctuated and changed
7 within a two to three-year period in the
8 mid 1990s.

9 Q. But your recollection is that the
10 period that you were making entries in
11 the cumulative adjustment record for Lisa
12 Lambert, that during that time period
13 it's your recollection that there was a
14 recommendation that you not include
15 substantive notes; is that correct?

16 A. Yes, sir.

17 Q. And so that the circle is
18 complete, the question that I put to you
19 before I'll put to you again, were you
20 consistently employing the practice of
21 not including substantive notes with
22 respect to all of the women that you were
23 seeing here at Cambridge Springs?

24 A. During this time period here?

25 Q. Yes.

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1 A. Yes.
 2 Q. Okay. So Lisa Lambert was not an
 3 exception?
 4 A. Absolutely not, no.
 5 Q. I'm sorry.
 6 ATTORNEY HALLORAN:
 7 I just wondered when you
 8 said this time frame, you were
 9 referring to Group Exhibit Number
 10 Ten which refers to certain
 11 sessions you conducted with Lisa
 12 Lambert August through ---
 13 ATTORNEY KRAKOFF:
 14 October.
 15 ATTORNEY HALLORAN:
 16 --- October 1994?
 17 A. Right.
 18 BY ATTORNEY KRAKOFF:
 19 Q. At this point, other than the two
 20 documents in Exhibit Ten, you haven't
 21 brought with you any other documents, is
 22 that correct, associated with Lisa
 23 Lambert?
 24 A. That's correct.
 25 Q. To make it clear there is one

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1 other document. There may be more than
 2 one, but there is one other document
 3 incorporated in Exhibit Ten which is on
 4 pages 13, 14 and 15, which I'm going to
 5 question you about later, which appears
 6 to be a letter --- memo from you.
 7 ATTORNEY HALLORAN:
 8 I was mistaken. I
 9 thought Exhibit Ten was a
 10 two-page exhibit. It's actually
 11 a 15-page exhibit.
 12 ATTORNEY KRAKOFF:
 13 The two pages --- you
 14 were correct, though. I mean,
 15 the only two pages of cumulative
 16 adjustment records, I think we're
 17 on the first two pages.
 18 ATTORNEY HALLORAN:
 19 And we are attempting to
 20 obtain the rest of the records,
 21 but it's possible that there are
 22 no other records.
 23 ATTORNEY KRAKOFF:
 24 That's what I understand.
 25 BY ATTORNEY KRAKOFF:

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1 Q. So I'm going to ask you to think
 2 as hard as you can and as clearly as you
 3 can to try to reconstruct what occurred
 4 in the sessions, what was said in the
 5 sessions, not necessarily verbatim, but
 6 at least the sum and substance of what
 7 you recall about the sessions. Okay. So
 8 at the inception, your recollection is
 9 the first issue that Lisa brought to your
 10 attention was an allegation that certain
 11 personnel were not listening to her
 12 concerns and the concerns, as you recall,
 13 related to Sergeant Raun; correct?
 14 A. Correct.
 15 Q. Okay. Did she identify to you
 16 who the personnel were? And by the way,
 17 I want to correct something. I think in
 18 an earlier question to you I said certain
 19 personnel. You were referring to
 20 personnel not listening to her as opposed
 21 to alleged harassment by personnel. So I
 22 don't want to mislead the record on that.
 23 You hadn't said that she was complaining
 24 about certain personnel harassing her,
 25 you said that certain personnel were not

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1 listening --- according to her
 2 perception, were not listening to her
 3 concerns about a staff member who was
 4 allegedly harassing her; correct?
 5 A. Correct.
 6 Q. Okay. Did she identify ---?
 7 ATTORNEY KRAKOFF:
 8 Did I confuse you?
 9 ATTORNEY HALLORAN:
 10 I mean, I think the
 11 record is clear that the
 12 individual that she complained
 13 about initially was Sergeant Raun
 14 ---
 15 ATTORNEY KRAKOFF:
 16 Right.
 17 ATTORNEY HALLORAN:
 18 --- staring at her in the
 19 dietary.
 20 ATTORNEY KRAKOFF:
 21 Right.
 22 ATTORNEY HALLORAN:
 23 I don't want to suggest
 24 that there were other personnel,
 25 at that time that she was

<p style="text-align: right;">Page 50</p> <p>1 complaining about.</p> <p>2 ATTORNEY KRAKOFF:</p> <p>3 No. That's right and</p> <p>4 that's what I was clarifying.</p> <p>5 BY ATTORNEY KRAKOFF:</p> <p>6 Q. But she was complaining about</p> <p>7 personnel here not listening to her</p> <p>8 complaints or not treating her</p> <p>9 complaints, not listening to her</p> <p>10 concerns; is that correct?</p> <p>11 A. Yes. But at this point as I'm</p> <p>12 considering where you may be going here I</p> <p>13 would say that Charley Utts (phonetic) is</p> <p>14 probably the only one that I could</p> <p>15 identify with clear memory.</p> <p>16 Q. As a person who was not listening</p> <p>17 to her concerns?</p> <p>18 ATTORNEY HALLORAN:</p> <p>19 From her perception?</p> <p>20 ATTORNEY KRAKOFF:</p> <p>21 Yes. Right.</p> <p>22 A. From her perception, yes.</p> <p>23 BY ATTORNEY KRAKOFF:</p> <p>24 Q. Okay. And Utts was a deputy</p> <p>25 superintendent at that time?</p>	<p style="text-align: right;">Page 52</p> <p>1 Sergeant Raun, indication that she had</p> <p>2 taken these concerns and made them known</p> <p>3 to Deputy Utts and perhaps other</p> <p>4 personnel and that people were not, in</p> <p>5 her mind, listening, believing, perhaps</p> <p>6 doing what she felt that they needed to</p> <p>7 do.</p> <p>8 Q. Okay. Now, when she told you</p> <p>9 that, in her mind at least, Sergeant Raun</p> <p>10 was harassing her, did she tell you</p> <p>11 anything more than that he was staring at</p> <p>12 her, in her mind, inappropriately in the</p> <p>13 dietary area? I'm talking about at the</p> <p>14 inception of your meetings with her?</p> <p>15 A. She may have, but I do not recall</p> <p>16 specifically if she did.</p> <p>17 Q. Now, do you have a recollection</p> <p>18 of whether you questioned her about what</p> <p>19 it was that Officer Raun allegedly was</p> <p>20 doing? Can you recall whether you</p> <p>21 questioned her in order to get any detail</p> <p>22 about that?</p> <p>23 A. I can't recall specific</p> <p>24 questions. I can recall more basically</p> <p>25 listening to her.</p>
<p style="text-align: right;">Page 51</p> <p>1 A. Yes, sir.</p> <p>2 Q. Is it your recollection that ---</p> <p>3 can you only recall one name, the name of</p> <p>4 one staff member who allegedly was not</p> <p>5 listening to her concerns? Is that the</p> <p>6 only name you can recall?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Do you have a recollection</p> <p>9 that she identified more than Mr. Utts</p> <p>10 and you're just not able to recall who</p> <p>11 the others were or are you saying the</p> <p>12 only person she identified was Mr. Utts?</p> <p>13 A. No. I did have a sense that she</p> <p>14 had complained to more than one person</p> <p>15 regarding her concerns about Sergeant</p> <p>16 Raun.</p> <p>17 Q. Okay. Now, did she tell you what</p> <p>18 she had told Mr. Utts?</p> <p>19 A. No, sir.</p> <p>20 Q. Did she tell you what she told</p> <p>21 anybody else about what was bothering</p> <p>22 her?</p> <p>23 A. Not verbatim, no, okay. Again,</p> <p>24 my sense was that the perception on her</p> <p>25 part that she was being harassed by</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. What was her demeanor like when</p> <p>2 she first brought that allegation to your</p> <p>3 attention?</p> <p>4 A. I would say that she was mildly</p> <p>5 to moderately frustrated that there was</p> <p>6 no evidence of acute distress. That is,</p> <p>7 in her discourse she was relatively calm,</p> <p>8 okay, with some indication of irritation,</p> <p>9 like I said, frustration, but certainly</p> <p>10 not hysterical or panicking or in the</p> <p>11 midst of any anxiety attack. Certainly</p> <p>12 no evidence of her being clinically</p> <p>13 depressed. You know, conversation was</p> <p>14 logical, goal directed. She was clearly</p> <p>15 oriented.</p> <p>16 Q. She wasn't crying?</p> <p>17 A. No, sir.</p> <p>18 Q. Now, do you recall approximately</p> <p>19 how long that first encounter with her</p> <p>20 lasted?</p> <p>21 A. Typically the time frame that I</p> <p>22 would set aside if I would schedule an</p> <p>23 individual session would be a 50-minute</p> <p>24 period.</p> <p>25 Q. 5-0, 1-5? Fifteen (15) or 50?</p>

<p style="text-align: right;">Page 54</p> <p>1 A. Fifty (50) minutes.</p> <p>2 Q. Okay. Nearly an hour?</p> <p>3 A. Yes.</p> <p>4 Q. And where would that session have</p> <p>5 been held?</p> <p>6 A. It would have been held in my</p> <p>7 office.</p> <p>8 Q. And the only two people at that</p> <p>9 session would have been you and Lisa</p> <p>10 Lambert?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Within the framework of that</p> <p>13 session, did you schedule another time to</p> <p>14 see Lisa Lambert?</p> <p>15 A. I would say given what I've</p> <p>16 documented here, yes, I probably saw her</p> <p>17 on 8/15 and then wrote in my appointment</p> <p>18 book to see her again on 8/26.</p> <p>19 Q. Okay. Now, you say you probably</p> <p>20 saw her again on 8/15.</p> <p>21 ATTORNEY HALLORAN:</p> <p>22 No, I don't think ---.</p> <p>23 A. I said I saw --- the way that I</p> <p>24 basically operate, okay, is if I feel</p> <p>25 that the problems are ongoing, I will go</p>	<p style="text-align: right;">Page 56</p> <p>1 we look at it in that sense as opposed to</p> <p>2 what specifically happened on October</p> <p>3 12th.</p> <p>4 Q. I understand your testimony. So</p> <p>5 let's do it within the boundaries of the</p> <p>6 entire process without asking you what</p> <p>7 occurred on a specific date. And why</p> <p>8 don't you tell me your recollection of</p> <p>9 what issues were discussed after the</p> <p>10 first meeting, whenever they were</p> <p>11 discussed, and try to keep them --- if</p> <p>12 there's any way you can order them. And</p> <p>13 tell me what she said as best you can</p> <p>14 recall, what you said as best you can</p> <p>15 recall in the context of your encounters</p> <p>16 with her.</p> <p>17 A. Okay. What I recall was that Ms.</p> <p>18 Lambert indicated that she had an</p> <p>19 attraction to Sergeant Raun. She also</p> <p>20 indicated that she perceived at least</p> <p>21 initially that that attraction was</p> <p>22 mutual. Somewhere along the line, and</p> <p>23 certainly I can't remember precisely</p> <p>24 when, that changed. She felt betrayed by</p> <p>25 Sergeant Raun. Subsequent to the feeling</p>
<p style="text-align: right;">Page 55</p> <p>1 ahead and schedule a follow-up session.</p> <p>2 I wouldn't stake my life on that, okay.</p> <p>3 It could have been that I saw her on a</p> <p>4 PRN basis on the 15th, didn't reschedule</p> <p>5 her, but she wrote to me again and then I</p> <p>6 rescheduled her for the 26th.</p> <p>7 BY ATTORNEY KRAKOFF:</p> <p>8 Q. Now, do you recall what the</p> <p>9 purpose of the second session was?</p> <p>10 A. Again, when I look back at the</p> <p>11 time frame, when I look back at my</p> <p>12 interactions with Ms. Lisa Lambert, I</p> <p>13 basically, in terms of my memory, have a</p> <p>14 gestalt of the content. I do not have</p> <p>15 specifics in my memory with regard to</p> <p>16 what specifically we discussed on the</p> <p>17 15th, the 26th, the 9th, the 28th and the</p> <p>18 13th as that's documented in my notes</p> <p>19 here.</p> <p>20 Q. Okay. By gestalt, so the record</p> <p>21 is clear, what do you mean?</p> <p>22 A. The whole, okay. The whole of</p> <p>23 the issues that we discussed over the</p> <p>24 context of several sessions. I'm going</p> <p>25 to be much more accurate in recalling if</p>	<p style="text-align: right;">Page 57</p> <p>1 of betrayal, the perception of harassment</p> <p>2 surfaced. As we moved on across the</p> <p>3 course of these sessions, it became more</p> <p>4 evident to me --- increasingly evident to</p> <p>5 me that this woman was, in my opinion,</p> <p>6 preoccupied with male officers in</p> <p>7 general, preoccupied with sex, sexuality,</p> <p>8 that she seemed to be pretty much having</p> <p>9 her life revolve around relationships</p> <p>10 with male officers. In fact, it was very</p> <p>11 difficult really for me to get her to</p> <p>12 discuss much of anything but interactions</p> <p>13 that transpired between her and male</p> <p>14 officers.</p> <p>15 Q. What interactions did she</p> <p>16 describe to you?</p> <p>17 A. I can't remember specifics. What</p> <p>18 I do remember is that, you know, she had</p> <p>19 perceptions that certain officers were</p> <p>20 attracted to her, perceptions that</p> <p>21 certain officers weren't her friends,</p> <p>22 other officers were her friends. At some</p> <p>23 point, maybe session number three,</p> <p>24 session number four, I told her that ---</p> <p>25 I reminded her, if you will, that it was</p>

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1 not appropriate for her to be sexual with
 2 officers, that all of this focus that she
 3 had didn't seem to me to be productive.
 4 That she couldn't have sexual
 5 relationships with male officers to which
 6 she responded, I'm 20 some years old, and
 7 I don't even remember how old she was, in
 8 her early 20s. I think she turned 21
 9 maybe in '93 or '94. And I'm young and I
 10 have a life in prison and I am not going
 11 to be celibate for the rest of my life.
 12 Okay. And given her response and the
 13 fact that she was very preoccupied, okay,
 14 with officers and relationships with
 15 officers and sexual interactions with
 16 officers, I attempted to be very clear
 17 with her regarding the limits of
 18 confidentiality. I.e., Ms. Lambert, if
 19 you come into my office and you tell me,
 20 okay, that you are engaged in sexual
 21 activity with officer so and so or
 22 officer so and so, please be aware that I
 23 am not able to keep that between you and
 24 me, that that is a breach of the security
 25 of the institution and I'm going to have

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1 to go talk to somebody about that. In
 2 fact, the same day that I talked to her
 3 about that, I reviewed with her the
 4 limits of confidentiality, what I could
 5 and could not keep confidential.
 6 **Q. So that would have been either in**
 7 **September or October of '94 that you told**
 8 **her that; is that right?**
 9 A. That would be my guess, sir, yes.
 10 **Q. Now, had she told you anything**
 11 **prior to your telling her that you**
 12 **couldn't keep confidential any**
 13 **information that she gave you about**
 14 **engaging in a sexual relationship with an**
 15 **officer?**
 16 A. She did not say, you know, I had
 17 sexual intercourse with officer so and
 18 so, no, she did not say that. She did
 19 allude to flirtatious interactions,
 20 mutual attractions between herself and
 21 officers.
 22 **Q. Okay. She had not told you up**
 23 **until that point anything about kissing**
 24 **an officer?**
 25 A. Not that I'm able to recall, no.

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1 **Q. Well, if she had told you that,**
 2 **that would have been beyond the**
 3 **boundaries or the limits of**
 4 **confidentiality that you related to her;**
 5 **wouldn't that?**
 6 A. Yes, it would be, sir.
 7 **Q. Did she relate to you any**
 8 **touching, any fondling, any caressing**
 9 **either from her to an officer or from an**
 10 **officer to her?**
 11 A. No, sir. What more made me feel
 12 that she was going in that direction was
 13 the fact that she had talked as if she
 14 had known about the personal lives of an
 15 officer.
 16 **Q. Who was that?**
 17 A. Sergeant Raun.
 18 **Q. What did she tell you that**
 19 **indicated to you that she might have**
 20 **known Raun's personal life?**
 21 A. That he was married, that he had
 22 children. You know, how old he was. In
 23 her mind, what he may and may not have
 24 done in his younger years, things of this
 25 nature.

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1 **Q. Like what, played football?**
 2 A. Yes, things like this.
 3 ATTORNEY HALLORAN:
 4 Is that an example?
 5 ATTORNEY KRAKOFF:
 6 Yes, that was an example.
 7 ATTORNEY HALLORAN:
 8 I mean, ---.
 9 A. No, I can't say specifically
 10 played football, but you're on the right
 11 track. Things that you wouldn't be
 12 discussing with an officer in the context
 13 of the officer/inmate relationship.
 14 BY ATTORNEY KRAKOFF:
 15 **Q. Now, this limits of**
 16 **confidentiality that you speak about, how**
 17 **and when did you become informed of the**
 18 **limits of confidentiality in the context**
 19 **of the prison?**
 20 A. Through a situation that
 21 transpired involving another inmate,
 22 another staff member. A situation that
 23 involved an inmate coming to me, telling
 24 me that she had witnessed, observed a
 25 staff member in the basement of the

<p style="text-align: right;">Page 62</p> <p>1 dietary department kissing an inmate and 2 her walking down to fix something down in 3 the basement, happening upon this 4 interaction between the staff member and 5 this inmate, him saying I come to get a 6 can of coffee and her asking me 7 specifically, don't say anything because 8 I'm afraid. I'm afraid that if I snitch 9 on this staff member, that my life will 10 be miserable here and me viewing that at 11 the time, coming from a background in 12 metal health/human services that did not 13 heretofore involve corrections, believing 14 that that was legitimate confidential 15 information and specifically in the best 16 interest of the inmate, okay. Finding 17 out after the fact that I had kept this 18 information confidential, Superintendent 19 Wolf ---.</p> <p>20 Q. Who found it out after the fact? 21 A. I don't know for sure. Do you 22 know?</p> <p>23 Q. You can't ask him. 24 A. Okay. After the fact, somehow it 25 coming out. And I think what happened</p>	<p style="text-align: right;">Page 64</p> <p>1 Superintendent Wolf about 2 confidentiality? 3 A. I don't know, but I have a 4 feeling it wasn't very long before and I 5 have a feeling that's why I made it so 6 explicit with her because I didn't want 7 to fall in that same hole again.</p> <p>8 Q. Now, who was the inmate who was 9 involved with a kissing incident with a 10 staff member? 11 A. A woman by the name of Lisa 12 Gunderson (phonetic).</p> <p>13 Q. And who was the staff member? 14 ATTORNEY HALLORAN: 15 I'm sorry, I just want to 16 be clear. Was that the inmate 17 that reported it or was that the 18 inmate that was involved with the 19 kissing?</p> <p>20 A. He asked me about the kissing. 21 ATTORNEY KRAKOFF: 22 My question was about the 23 kissing. 24 ATTORNEY HALLORAN: 25 I understand that.</p>
<p style="text-align: right;">Page 63</p> <p>1 was that eventually that inmate disclosed 2 herself, okay, what had happened. But 3 then getting a call from Superintendent 4 Wolf and his being quite annoyed with me, 5 okay, that I did not tell him about this 6 at the time that it happened and my 7 telling him that, you know, in my mind it 8 was confidential, privileged information, 9 but I understand now. Explaining to him 10 that, you know, certainly if she would 11 have come to me and told me there was a 12 boom under Luder (phonetic) Hall, that I 13 wouldn't have kept that confidential, but 14 this to me was somewhat gray. And it was 15 at that point that I was very clear, 16 crystal clear, okay, on how 17 confidentiality is not the same out there 18 in the community as what it is here in 19 the state penitentiary.</p> <p>20 Q. Well, how long before your 21 beginning to see Lisa Lambert --- and I 22 know you said you're not exactly sure 23 when that is, but let's assume August of 24 '94. How long prior to August of '94 had 25 you had that discussion with</p>	<p style="text-align: right;">Page 65</p> <p>1 A. And I'm wondering here if the 2 first name is right. The last name was 3 Gunderson, I'm not sure if Lisa is 4 correct or not. Is it?</p> <p>5 ATTORNEY HALLORAN: 6 My understanding --- 7 leave this on the record. My 8 understanding is that an inmate 9 reported to you that she saw 10 another inmate kissing an 11 officer.</p> <p>12 ATTORNEY KRAKOFF: 13 I'm not going to ask the 14 name of the ---.</p> <p>15 A. No, not an officer. 16 ATTORNEY HALLORAN: 17 Not an officer. 18 ATTORNEY KRAKOFF: 19 A staff member. 20 A. A staff member. 21 ATTORNEY KRAKOFF: 22 I'm not going to ask who 23 that inmate was who reported it. 24 ATTORNEY HALLORAN: 25 Okay.</p>

<p style="text-align: right;">Page 74</p> <p>1 Q. And I'm not asking you to recall 2 anything verbatim, I'm asking you to 3 recall as best you can about the 4 substance because most people cannot 5 recall verbatim something that --- a 6 conversation that took place somewhere 7 back. So within those parameters, that's 8 what I'm asking you. So can you recall 9 the substance of any conversation that 10 Lisa Lambert told you took place between 11 her and an officer at Cambridge Springs? 12 A. No, sir. 13 Q. And are you confident, to the 14 best of your recollection, that none of 15 the conversations that she related to you 16 as having taken place between her and an 17 officer concerned anything related to a 18 sexual act or sexual conduct between her 19 and the officer? 20 A. Rephrase that again, please. 21 Q. Are you confident that during the 22 time that you were seeing Lisa Lambert 23 that she did not relate any conversations 24 between her and a staff member that 25 concerned a matter that would be</p>	<p style="text-align: right;">Page 76</p> <p>1 A. Yes, sir. 2 Q. Any other officers? 3 A. Not that I can say were 4 inappropriate, definitely. 5 Q. Okay. Can you recall her 6 relating any conversations that she had 7 with any other officers? 8 A. She talked about Officer Schmidt. 9 She called him Schmittie. 10 Q. Is that S-C-H-M-I-D-T? 11 A. Something like that. 12 Q. And what did she talk about him? 13 What did she say about him? 14 A. I don't recall. That's why I 15 hesitated to even say. All I recall is 16 that he had come up in conversation. 17 Q. Any other officers? 18 A. Those are the three that I 19 remember. 20 Q. Do you think there were more or 21 do you think these were the only three? 22 A. Those are the only three that I'm 23 able to remember. There could have been 24 more. 25 Q. Okay. Who was the officer, if</p>
<p style="text-align: right;">Page 75</p> <p>1 considered to be of a sexual nature? I 2 define that as anything from kissing to 3 hugging to fondling and sexual 4 intercourse? 5 A. I'm going to try to answer that, 6 okay. She never explicitly said to me, I 7 kissed officer so and so. I had 8 intercourse with officer so and so. 9 There were always sexual overtones, if 10 that ---. 11 Q. Can you give me examples of what 12 you viewed as a sexual overtone? 13 A. No, I can't. 14 Q. Now, did she identify, other than 15 Sergeant Raun, any of the officers who 16 she appeared to have inappropriate 17 conversations with? 18 A. Yes, sir. 19 Q. And who are they? 20 A. Icker (phonetic), Officer Icker. 21 Q. Is that James Icker? 22 A. I'm not sure what his first name 23 is. 24 Q. Is that the officer who was 25 prosecuted?</p>	<p style="text-align: right;">Page 77</p> <p>1 she identified the officer to you, who 2 had been her friend and protective of 3 her? 4 A. Officer Icker. 5 Q. And what did she say about 6 Officer Icker in the nature of how he had 7 been a friend to her or how he had 8 protected her? 9 A. That he was looking out for her, 10 that he was giving her the scoop, that he 11 cared about her. 12 Q. Was that contemporaneous? Was 13 she telling you he is looking out for me, 14 he is giving me the scoop now --- 15 A. Yes. 16 Q. --- or in the past tense? 17 A. No, in the here and now. 18 Q. Okay. And so she expressed 19 friendly thoughts about Icker? 20 A. Absolutely. 21 Q. Okay. Did she explain to you 22 what the scoop meant? 23 A. You know, that he was kind of 24 telling her who to watch out for, who was 25 cool, who was not cool.</p>

<p style="text-align: right;">Page 78</p> <p>1 Q. Among the staff or among inmates 2 or both?</p> <p>3 A. Among the staff.</p> <p>4 Q. Did she say anything about 5 Officer Icker and her having any 6 meetings, private meetings away from 7 other staff and other officers?</p> <p>8 A. Not that I am able to recall.</p> <p>9 Q. Did she tell you that she and 10 Officer Raun had had any private 11 encounters? And by encounters, I'm not 12 meaning sexual, I'm talking about 13 meetings where they got together without 14 other people around?</p> <p>15 A. Not that I'm able to recall, no.</p> <p>16 Q. Did she talk to you about them 17 having conversations while others were 18 around, out in the yard, in dietary or 19 anywhere else, in Luder Hall?</p> <p>20 A. Well, I definitely had the sense 21 that she had some verbal interaction with 22 Sergeant Raun, but I don't remember her 23 coming in and say, I talked to Sergeant 24 Raun and we talked about X, Y, and Z 25 today.</p>	<p style="text-align: right;">Page 80</p> <p>1 A. Well, I told you that she talked 2 about --- that she had indicated 3 discomfort with him, staring at her in 4 the dietary department. That she had 5 reported to other staff members that he 6 was harassing her and that at one point 7 she had talked to me about being out in 8 the yard and seeing Superintendent Wolf 9 having a conversation with Sergeant Raun 10 and it appeared to be a friendly 11 conversation and, you know, that 12 Superintendent Wolf seemed to like 13 Sergeant Raun and they were --- you know, 14 they were on good terms and that this 15 frustrated her because she was, you know, 16 reporting these feelings that she was 17 being harassed and simultaneously 18 somewhere along there he got promoted 19 from sergeant to lieutenant. And as I 20 mentioned before, this annoyed her 21 majorly.</p> <p>22 Q. This harassment that she 23 described, let me ask you that. Did she 24 describe --- other than the fact that 25 Sergeant Raun had allegedly stared at her</p>
<p style="text-align: right;">Page 79</p> <p>1 Q. Okay. But she told you that she 2 thought that Officer Raun at some point 3 had an interest in her; is that correct?</p> <p>4 A. She gave me the sense that she 5 had, in her mind, early in her coming to 6 SCI Cambridge Springs, an attraction to 7 Officer Raun and that that attraction was 8 mutual.</p> <p>9 Q. But by the time she began to meet 10 with you that was in the past; is that 11 your recollection?</p> <p>12 A. My recollection is that at the 13 time that we began to meet something had 14 transpired that generated within her 15 feelings of anger and resentment towards 16 Sergeant Raun.</p> <p>17 Q. And that would have been prior to 18 your beginning to meet; is that correct?</p> <p>19 A. That's what I'm thinking, yes.</p> <p>20 Q. And you said that she had 21 expressed frustration over the fact that 22 Sergeant Raun had been promoted to 23 lieutenant?</p> <p>24 A. Yes.</p> <p>25 Q. What did she tell you about that?</p>	<p style="text-align: right;">Page 81</p> <p>1 in the dietary department, did she tell 2 you anything about the nature of the 3 harassment?</p> <p>4 A. The only other thing that I can 5 recall, and it's vague, is perhaps 6 allegations that relate to the stocking 7 kind of behavior. You know, that he was 8 following me, that he was here, that he 9 was there, he was behind me.</p> <p>10 Q. Now, did you give her any advice 11 as to what she should do in connection 12 with Sergeant Raun via his alleged 13 harassment of her?</p> <p>14 A. I don't know as if I'd say I gave 15 her advice. I knew that she had already 16 reported it to the appropriate personnel.</p> <p>17 Q. Prior to seeing you?</p> <p>18 A. Yes. And like I said, sir, I was 19 not highly confident that what Ms. 20 Lambert was telling me was truthful.</p> <p>21 Q. Right.</p> <p>22 A. Okay. You know, I may have told 23 her, you know, just go about your 24 business and focus on yourself. I don't 25 know about that.</p>

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1 Q. Did you view her allegations
2 about Sergeant Icker allegedly looking
3 after her, giving her the scoop, that
4 sort of thing as potential breach of
5 security of the institution at the time
6 she was telling you that?
7 A. I think I certainly may have seen
8 a potential for that, okay. And I think
9 it was at that juncture, okay, that I
10 told her what I told you I told her about
11 20 minutes ago. Okay. That, you know,
12 if you're going to start talking to me
13 about sex with this officer or that
14 officer know that this is what I'm going
15 to have to do with that.
16 And as I've indicated because
17 this was the focus of her conversation
18 --- in my mind I had targeted as a
19 problem with her the fact that she was
20 preoccupied, okay, with sexual matters,
21 preoccupied with relationships with
22 officers. And I felt that this was ---
23 you know, since this was what she was
24 coming about, since this is what people
25 were concerned about, I felt that, yes,

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1 it was something that we needed to focus
2 on, that we needed to address in
3 counseling, but that I wasn't going to
4 get to first base, okay, unless I made it
5 clear to her that, you know, we couldn't
6 talk in terms of names here.
7 And, in fact, I told her, you
8 know, that if she wanted to talk about
9 relationships with officers, that we were
10 going to have to talk in terms of, you
11 know, relationship A, relationship B,
12 relationship C, rather than use names.
13 And I did that because that was her
14 primary focus. I wasn't at all certain
15 regarding her credibility. She had gone
16 to other sources within the institution
17 with the reporting and the allegations
18 and this is what I saw as the problem
19 area as pathology, if you will, that I
20 needed to try to address with this woman.
21 Do you understand what I'm saying?
22 Q. You thought that she was sexually
23 preoccupied?
24 A. Yes, I did, sir.
25 Q. And had she identified any of her

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1 --- the persons she was preoccupied with
2 by name, prior to your telling her this
3 is something I may have to --- this is
4 not going to be confidential. I may have
5 to relate that information to others?
6 ATTORNEY HALLORAN:
7 Objection. Asked and
8 answered a couple of times.
9 BY ATTORNEY KRAKOFF:
10 Q. What was the answer, no?
11 A. The answer was Sergeant Raun and
12 Officer Icker.
13 Q. Sexual?
14 ATTORNEY HALLORAN:
15 Sexual.
16 A. No. Sexual, explicit sexual
17 things, I had intercourse, I was, you
18 know, kissing, no.
19 BY ATTORNEY KRAKOFF:
20 Q. I want to have intercourse, did
21 she ever say that? I want to have
22 intercourse with Sergeant Raun or I want
23 to have intercourse with Sergeant Icker?
24 A. No. What she did say I already
25 quoted to you. I'm 21 years old, I have

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1 life in prison and I am not going to be
2 celibate for the rest of my life.
3 Q. Okay. And you took that, I take
4 it, to mean that she was going to
5 eventually have sex or at least to
6 attempt to have sex with a member of the
7 staff?
8 A. I took that to mean that that was
9 something that she wanted, yes.
10 Q. And did you view that as a
11 potential security risk?
12 A. I viewed it as a problem which is
13 why I wanted to try to focus in on it
14 without getting bogged down, okay, and
15 trying to decipher what's fantasy, what's
16 fact and reporting obligations.
17 Q. Did you view her saying that I'm
18 not going to remain celibate to pose a
19 security risk to the institution?
20 A. Potential.
21 Q. Did you go to anybody with that
22 information?
23 A. Did I go to anyone with that
24 information?
25 Q. Did you go to anybody within the

<p style="text-align: right;">Page 86</p> <p>1 administration or anybody within the 2 commission offices or anybody else and 3 say, you know, Lisa Lambert is saying 4 that she's not going to remain celibate? 5 A. No, I did not. 6 Q. And why not? Did you consider 7 going to somebody with that information? 8 A. My feeling was at the time that 9 this woman was talking to a lot of 10 people, okay. That she was reporting to 11 other people specific concerns that she 12 had about Sergeant Raun, okay. That the 13 issues that we're talking about here I 14 felt were issues of this woman being 15 preoccupied with sex and sexuality and 16 that as a psychologist that I was going 17 to try to deal with that issue as best as 18 I could under the circumstances and that 19 she was doing plenty of talking to other 20 personnel, okay. 21 Q. About sexual things? 22 A. Well, you'd have to ask them what 23 other allegations that she was making --- 24 she was making ---. 25 Q. I'm asking about your thought</p>	<p style="text-align: right;">Page 88</p> <p>1 ATTORNEY HALLORAN: 2 Take a break? 3 ATTORNEY KRAKOFF: 4 Yes. 5 SHORT BREAK TAKEN 6 BY ATTORNEY KRAKOFF: 7 Q. I had asked you before about her 8 reference to officers, Lisa Lambert's 9 reference to officers. I'm going to ask 10 you about a couple of others. Did she 11 ever bring up the name of Officer Rogers 12 (phonetic) while with you? 13 A. Not that I'm able to recall. 14 Q. Did she ever bring up the name of 15 Officer Free while she was with you, 16 F-R-E-E? 17 A. Not that I'm able to recall. 18 Q. Let me ask about the note issue 19 and let me draw a distinction. One 20 process might be to take notes while 21 you're in a session and then to use those 22 notes as you're going back, say, 30 23 minutes later and you can make reference 24 to something that the inmate had told 25 you, and then to destroy the notes, and I</p>
<p style="text-align: right;">Page 87</p> <p>1 processes. I asked you whether you ---. 2 ATTORNEY HALLORAN: 3 I think that's what she's 4 testifying to. 5 ATTORNEY KRAKOFF: 6 Well, I don't know. I 7 don't know that you said --- you 8 said she went to several people. 9 BY ATTORNEY KRAKOFF: 10 Q. Was it your information she had 11 gone to several people about sexual 12 issues? 13 A. About harassment issues. 14 Q. About sexual issues? 15 A. Sexual harassment. 16 Q. And what was your understanding 17 of what the sexual harassment 18 constituted? 19 A. I've already said that, sir. 20 Okay. Staring at her in the dietary, 21 some suggestion of stalking behaviors, 22 that combined with the implication on her 23 part that there was this initial mutual 24 attraction between her and Sergeant Raun 25 when she first came to Cambridge Springs.</p>	<p style="text-align: right;">Page 89</p> <p>1 don't say that in any pejorative sense, 2 to destroy the notes so that you could 3 maintain the confidentiality that you 4 described. And the other would be not to 5 take notes at all in the course of the 6 encounter. Which was it when you were 7 interviewing Lisa Lambert, not to take 8 notes at all or to take notes and then to 9 discard the notes, not place them in the 10 file? 11 A. First choice. 12 Q. Okay. And that was the same with 13 the --- that was your routine practice 14 with other inmates during the time period 15 that you were seeing Lisa Lambert? 16 A. Yes, sir. 17 Q. Now, this statement in effect, 18 I'm 21, I'm not going to remain celibate, 19 was that the first time at Cambridge 20 Springs that you ever heard a prisoner 21 express that to you that she wasn't going 22 to remain celibate? 23 A. Yes, sir. 24 Q. Was that mentioned by any inmates 25 after you saw Lisa Lambert, I'm not going</p>

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1 to remain celibate or words to that
2 effect?
3 A. We had no other lifers here at
4 that time. She was the only lifer we
5 had.
6 Q. Well, you had other inmates who
7 were serving 10 years or 15 years, didn't
8 you, at this prison?
9 A. Yes. And I don't recall any
10 other inmate making that an issue.
11 Q. Did you have other inmates,
12 either prior to or after you saw Lisa
13 Lambert, discuss the issue of how
14 difficult it was to be celibate while in
15 prison?
16 A. Not that I recall, sir.
17 Q. Now, as your meeting progressed,
18 as your meetings with Lisa Lambert
19 progressed and then ultimately concluded,
20 did she raise any other issues other than
21 those that you've already talked about
22 with you?
23 A. Well, the issue that she raised
24 on 10/13/94.
25 Q. And what was that issue?

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1 A. That was the date where she came
2 to me and reported that Officer Raun had
3 assaulted her on the landing of the
4 stairway in Luder Hall.
5 Q. Is that the first that you had
6 heard about allegations that Officer Raun
7 had assaulted her ---
8 A. Yes.
9 Q. --- on a landing in the stairway
10 of Luder Hall?
11 A. Yes.
12 Q. And I'm not limiting it to is
13 that the first time you heard it from
14 Lisa Lambert. My question is broader
15 than that. Had you heard it from any
16 other inmates or any staff members?
17 A. No, sir, I had not.
18 Q. Okay. And ---
19 ATTORNEY HALLORAN:
20 Can we clarify for the
21 record this was not a sexual
22 assault?
23 ATTORNEY KRAKOFF:
24 Well, I was going to ask
25 her about the nature of the

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1 assault.
2 ATTORNEY HALLORAN:
3 Go ahead.
4 BY ATTORNEY KRAKOFF:
5 Q. Describe to me, as best you can
6 recall, how that unfolded? How Lisa
7 Lambert brought that issue up and what
8 she said and what, if anything, you said
9 in response?
10 A. Well, I do believe that she was
11 assigned a unit detail at the time. That
12 her job was keeping her particular part
13 of the unit clean. And I do recall that
14 she indicated that she was sweeping the
15 stairwell and Sergeant Raun came along.
16 I think she indicated that he grabbed her
17 by the hair, that he kind of shoved her
18 into the corner, that he took his knee
19 and, you know, kind of jammed it into her
20 abdomen, that he was forceful in gripping
21 her arms and that he was simultaneously
22 emotionally abusive. You know, calling
23 her a bitch, things of this nature.
24 Q. Okay.
25 A. And she also at that point

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1 indicated that she had bruises and she
2 asked me, did I want to see the bruises
3 and she got up off of her chair and
4 walked over to the window where the light
5 was better and proceeded to show me the
6 bruises.
7 Q. Okay. What did you see?
8 A. When I was talking about this
9 with him yesterday.
10 Q. With who?
11 A. With this man.
12 Q. Okay. Mr. Halloran. You can't
13 tell me about anything that you said to
14 him.
15 A. Okay. My recall was that she had
16 kind of like loosened her pants and
17 pulled down a little bit and there was a
18 bruise on her butt, if you will.
19 Q. The upper part of her buttocks?
20 A. Right. But I don't think that's
21 consistent with what the photograph shows
22 so my memory evidently is not good there.
23 I do remember that there were some
24 bruises on her arms, on her forearms and
25 that she had indicated that that was due

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1 to his grabbing her arms, okay, and
 2 squeezing so tightly that it had bruised
 3 the arms. That's about what I can
 4 remember.
 5 **Q. Did she show you anything on her**
 6 **thighs?**
 7 A. She may have shown me on her
 8 thighs and maybe that's what it was. It
 9 was her thighs rather than her butt. But
 10 I do remember that she had to kind of
 11 unzip her pants to show me these bruises.
 12 **Q. And you saw the bruises?**
 13 A. Yes, sir.
 14 **Q. Did you recall --- the second**
 15 **page of Exhibit Ten reflects that you saw**
 16 **Lisa on the 13th and you also saw her on**
 17 **the 12th. None of these other meetings,**
 18 **these individual sessions that I can see**
 19 **occurred one day after another. Can you**
 20 **recall whether the 13th was a regularly**
 21 **scheduled session or is that something**
 22 **that just developed on the 13th?**
 23 A. I can't recall specifically, but
 24 my guess was that --- the fact that these
 25 two sessions are back to back one day

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1 after another, my guess was that she had
 2 an officer call me to see me on the 13th
 3 for the purpose of reporting this assault
 4 and that that wasn't a scheduled session.
 5 **Q. Okay. Do you recall how long**
 6 **approximately the session on the 13th**
 7 **lasted?**
 8 A. No, sir, I don't.
 9 **Q. Do you recall whether you went**
 10 **into any issues other than the alleged**
 11 **assault in Luder Hall with Lisa Lambert**
 12 **that day?**
 13 A. No. My sense was that once she
 14 made those allegations I knew that we had
 15 to report and that we basically proceeded
 16 with the reporting process. I had her
 17 wait in my office where I went and I
 18 talked to Charley Utts about it. I told
 19 her --- as I mentioned to you earlier, I
 20 had already clarified with her, you know,
 21 what would constitute grounds for me to
 22 breach confidentiality and it is my
 23 belief that she knew very well in coming
 24 in there and reporting this to me what I
 25 was going to do in reaction to it, i.e.,

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1 report it to the administration. And
 2 that's what I proceeded to do. I had her
 3 wait in the office. I went over and I
 4 talked to Charley Utts. Charley Utts
 5 said we got to take her down to medical.
 6 She asked me to go down to medical with
 7 her. We went down to medical where there
 8 was a nurse and a female lieutenant and
 9 from there they proceeded to take the
 10 pictures and I did what paperwork is
 11 required in such cases.
 12 **Q. Were you there when they took the**
 13 **photographs?**
 14 A. Yes, sir. I mean, I was standing
 15 by at her request. I wasn't hovering
 16 over her. I was there in the office.
 17 **Q. You said that you had Lisa wait**
 18 **in the office while you went to see**
 19 **Deputy Superintendent Utts?**
 20 A. That's what I recall, yes.
 21 **Q. Now, when you say wait in your**
 22 **office, was there an anteroom to your**
 23 **office or did she literally wait in the**
 24 **room where you had --- where you would**
 25 **conduct your sessions with inmates?**

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1 A. I believe I probably had her wait
 2 in the room.
 3 **Q. In the actual room where you have**
 4 **your sessions?**
 5 A. Yes.
 6 **Q. And do you recall approximately**
 7 **how long it was before you returned?**
 8 A. Not precisely, but it wasn't long
 9 at all.
 10 **Q. Are you talking about like 15**
 11 **minutes or 20 minutes?**
 12 A. No. I'm talking more like four
 13 minutes.
 14 **Q. Okay.**
 15 A. Once I told Mr. Utts what was
 16 going down there was no question but what
 17 we needed to do and we were down there in
 18 medical ASAP.
 19 **Q. Okay. And then after returning**
 20 **from Mr. Utts' office, you got Lisa and**
 21 **the two of you went down to medical**
 22 **together; is that correct?**
 23 A. Right.
 24 **Q. Now, when you told Lisa to wait**
 25 **in the office, did you tell Lisa what you**

<p style="text-align: right;">Page 98</p> <p>1 were going to do, where you were going to 2 go?</p> <p>3 A. Yes, I did.</p> <p>4 Q. What did you tell her?</p> <p>5 A. I told her I was going to have to 6 go talk to the --- I was going to have to 7 report.</p> <p>8 Q. Did you tell her who you were 9 going to report it to?</p> <p>10 A. Yes, I did.</p> <p>11 Q. Okay. And you told her I'm going 12 to report this to Deputy Superintendent 13 Utts or words to that effect?</p> <p>14 A. Yeah. Again, I wouldn't bet my 15 savings account on it because it was so 16 long ago. But I'm pretty sure I told her 17 I'm going to go talk to Deputy Utts.</p> <p>18 Q. Okay. But there's no question in 19 your mind, I take it, that you said --- 20 whether you identified Deputy Utts or 21 not, there's no question in your mind you 22 told her I'm going to report this to 23 somebody; is that correct?</p> <p>24 A. That is correct.</p> <p>25 Q. Okay. And what did you tell</p>	<p style="text-align: right;">Page 100</p> <p>1 Objection. She's not 2 qualified to answer ---.</p> <p>3 ATTORNEY KRAKOFF: 4 I think any layperson can 5 answer that. But answer to the 6 best of your ability.</p> <p>7 A. Rephrase the question, please.</p> <p>8 BY ATTORNEY KRAKOFF: 9 Q. Did you see anything that 10 appeared to have been caused by a name 11 tag digging into her skin?</p> <p>12 A. I think I can be reasonably 13 certain in saying that she showed me the 14 scope of the injuries that she had or 15 what she reported she had. And although 16 I cannot clearly remember the place on 17 the body, I would be reasonably secure in 18 saying that she probably showed me 19 whatever wound was there.</p> <p>20 Q. That she said had been caused by 21 the name tag?</p> <p>22 A. Right.</p> <p>23 Q. And do you recall whether, at 24 that time, you look at whatever it was 25 that she showed you and said, that</p>
<p style="text-align: right;">Page 99</p> <p>1 Deputy Superintendent Utts? Did you meet 2 with him?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And what did you tell him?</p> <p>5 A. I told him essentially what she 6 had told me.</p> <p>7 Q. Okay. And what did Deputy 8 Superintendent Utts say, if anything?</p> <p>9 A. He said we have to get her down 10 to the medical department and we have to 11 take pictures of the bruises and we have 12 to document what she's alleging.</p> <p>13 Q. Okay. Had she told you anything 14 about a name tag when she related what 15 occurred between --- allegedly occurred 16 between her and Officer Raun? Did she 17 make reference to a name tag?</p> <p>18 A. Now that you bring it up she 19 might have said something about a name 20 tag digging into her skin.</p> <p>21 Q. Did you see any marks that 22 appeared to be something that was 23 consistent with something like a name tag 24 digging into her skin?</p> <p>25 ATTORNEY HALLORAN:</p>	<p style="text-align: right;">Page 101</p> <p>1 couldn't have been caused by a name tag?</p> <p>2 A. Absolutely not. I didn't say 3 that.</p> <p>4 Q. No, I mean, in your own mind. 5 Did what you looked at appear to have 6 been something that could have been 7 caused by a name tag?</p> <p>8 A. I didn't remember that until you 9 brought that up, in fact.</p> <p>10 Q. So you don't remember now?</p> <p>11 A. No.</p> <p>12 Q. Now, did she tell you when that 13 event, the alleged event where Sergeant 14 Raun assaulted her, occurred?</p> <p>15 A. I'm sure she did, but I don't 16 remember when it was. I know it was 17 within 24 hours and probably within 12 to 18 18 hours of her coming to me. That's 19 what she reported. It wasn't something 20 that happened two, three days ago. It 21 was something that just happened.</p> <p>22 Q. Okay. And what was her demeanor 23 like when she reported it to you?</p> <p>24 A. She was ostensibly upset.</p> <p>25 Q. What --- go ahead.</p>

<p style="text-align: right;">Page 102</p> <p>1 A. I think that's probably the best 2 way that I can describe it.</p> <p>3 Q. What was it that you saw that 4 indicated that she was ostensibly upset?</p> <p>5 A. There was a certain urgency in 6 her voice, a kind of a look what he's 7 done to me. The urgency with which she 8 wanted me to view, the bruises. Some 9 pressure to her speech. Her speech was 10 somewhat rapid, somewhat pressured. I 11 don't recall her crying.</p> <p>12 Q. Does that mean you don't recall 13 whether or not or you don't have a 14 picture as you view it backwards now of 15 her crying?</p> <p>16 A. I don't recall her crying 17 profusely, let's put it that way. She 18 may have become teary-eyed. Again, I 19 don't recall. I do recall general upset, 20 rapid pressured speech, urgency in 21 wanting me to look at the bruises and a 22 kind of indignant sense about her, again, 23 look what he's done to me.</p> <p>24 Q. Now, do you recall, after the 25 photographs were taken, where you went?</p>	<p style="text-align: right;">Page 104</p> <p>1 think she did tell me that because when I 2 went to talk to Deputy Utts, one of the 3 things that I addressed immediately with 4 him was, you know, she's really afraid 5 that you're going to lock her up and 6 that's one of her biggest fears. And I 7 say that because Deputy Utts told me 8 we're not going to lock her up. Okay. 9 And then I went back to her. I told her 10 what we were going to do, i.e., go get 11 pictures of the bruises taken. And I 12 assured her that Deputy Utts said we 13 aren't going to look you up.</p> <p>14 Q. Had she been locked up during 15 some period of time while you were seeing 16 her in individual sessions? Had she been 17 in the RHU?</p> <p>18 A. Well, this speaks to time. But I 19 do know that there was a situation, and 20 I'm not sure if it was before or after 21 this, although I think it's before, okay, 22 where she was evidently found on the 23 fourth floor of the housing unit which 24 would have been at the time an 25 unauthorized area. There was some</p>
<p style="text-align: right;">Page 103</p> <p>1 A. Where?</p> <p>2 Q. I mean, what happened after that?</p> <p>3 A. Well, one of the things that made 4 this difficult was that when she reported 5 this, even though I had made it clear to 6 her, as I had discussed with you earlier, 7 that bringing an allegation like this 8 would mean that I would need to report to 9 authorities. I do recall her initially 10 objecting to that, okay.</p> <p>11 Q. On the 13th ---</p> <p>12 A. Yes.</p> <p>13 Q. --- when you said I'm going to 14 have to report this, ---</p> <p>15 A. Right.</p> <p>16 Q. --- you remember her objecting to 17 that?</p> <p>18 A. That is my memory, okay. And my 19 memory's not perfect, but my sense is 20 that she objected to that and I basically 21 told her I've got to do it. And the part 22 of the objection was the fear that she 23 was going to end up locked up.</p> <p>24 Q. Did she tell you that?</p> <p>25 A. Again, I'm going on memory and I</p>	<p style="text-align: right;">Page 105</p> <p>1 question regarding her attire, the fact 2 that she wasn't wearing undergarments. 3 She was caught up there on the fourth 4 floor. I don't know if she was 5 admonished, if she was issued a 6 misconduct, but her explanation for being 7 up on the fourth floor was that she had 8 blackouts.</p> <p>9 Q. How do you know that? Did you 10 read some documents or did you discuss 11 that with her or with somebody else?</p> <p>12 A. One of the responsibilities that 13 I have as psychology staff here is 14 monitoring the restricted housing unit. 15 And she was in the restricted housing 16 unit in administrative custody as a 17 result of this particular incident and 18 her ---.</p> <p>19 Q. Meaning the incident on the 20 fourth floor?</p> <p>21 A. Yeah. Maintaining that she had 22 blackouts. And as I would do rounds in 23 the restricted housing unit, she would be 24 in one of the cells and she would talk to 25 me, okay. She would talk to me about</p>

<p style="text-align: right;">Page 106</p> <p>1 what had happened.</p> <p>2 Q. When an inmate --- during this</p> <p>3 time period in 1994, when an inmate was</p> <p>4 confined to the restricted housing unit,</p> <p>5 did your sessions take place in the unit</p> <p>6 or do they still take place in your</p> <p>7 office?</p> <p>8 A. No. When they were in the</p> <p>9 restricted housing unit, we could not</p> <p>10 have sessions, okay. It would not be a</p> <p>11 confidential thing. We would have</p> <p>12 discourse between the fence of the door</p> <p>13 and where I was out in the hall.</p> <p>14 Q. So the sessions that are listed</p> <p>15 on pages one and two of Exhibit Ten,</p> <p>16 those would have occur ---?</p> <p>17 A. Those occurred in my office.</p> <p>18 Q. So those would have occurred in</p> <p>19 your office. Okay.</p> <p>20 A. But there were many interactions</p> <p>21 that I had with Ms. Lambert while she was</p> <p>22 maintained in the restricted housing unit</p> <p>23 that were not documented.</p> <p>24 Q. And in those interactions, did</p> <p>25 she discuss any sexual issues with you?</p>	<p style="text-align: right;">Page 108</p> <p>1 some things. She was in there for many,</p> <p>2 many months.</p> <p>3 ATTORNEY HALLORAN:</p> <p>4 I just want to ---.</p> <p>5 ATTORNEY KRAKOFF:</p> <p>6 You can't testify for</p> <p>7 her.</p> <p>8 ATTORNEY HALLORAN:</p> <p>9 No, I'm not. I'm asking</p> <p>10 for clarity. It's my</p> <p>11 understanding she was in the RHU</p> <p>12 twice and was your answer just</p> <p>13 now given relating to the second</p> <p>14 time she was in the RHU?</p> <p>15 ATTORNEY KRAKOFF:</p> <p>16 I don't think that's what</p> <p>17 she said.</p> <p>18 ATTORNEY HALLORAN:</p> <p>19 Is that what you're</p> <p>20 saying?</p> <p>21 ATTORNEY KRAKOFF:</p> <p>22 Is that something you</p> <p>23 want her to say?</p> <p>24 ATTORNEY HALLORAN:</p> <p>25 No. I mean, I just don't</p>
<p style="text-align: right;">Page 107</p> <p>1 A. Not from this fence, not explicit</p> <p>2 allegations or claims that she had</p> <p>3 explicit sex with any officer.</p> <p>4 Q. Did she make any reference to any</p> <p>5 flirtatious encounters between her and</p> <p>6 any officers?</p> <p>7 ATTORNEY KRAKOFF:</p> <p>8 Now, I'm getting into</p> <p>9 other context, not the sessions.</p> <p>10 I questioned her about the</p> <p>11 sessions.</p> <p>12 ATTORNEY HALLORAN:</p> <p>13 I believe her answers</p> <p>14 with regard to the sessions dealt</p> <p>15 not with just the sessions, but</p> <p>16 any contacts with her.</p> <p>17 ATTORNEY KRAKOFF:</p> <p>18 Let's clarify that.</p> <p>19 BY ATTORNEY KRAKOFF:</p> <p>20 Q. Do you have any recollection of</p> <p>21 whether she discussed any flirtatious</p> <p>22 encounters between her ---</p> <p>23 A. Not specifically.</p> <p>24 Q. --- and any officers?</p> <p>25 A. She may have. She may have said</p>	<p style="text-align: right;">Page 109</p> <p>1 want the record to be unclear.</p> <p>2 ATTORNEY KRAKOFF:</p> <p>3 Okay. Let's get the time</p> <p>4 period.</p> <p>5 A. Well, I mean, either, either</p> <p>6 time, okay, the first time or the second</p> <p>7 time.</p> <p>8 BY ATTORNEY KRAKOFF:</p> <p>9 Q. Now, did you have any encounters</p> <p>10 with Lisa Lambert outside of your office?</p> <p>11 By that, I mean, outside of the context</p> <p>12 of your office, outside of the context of</p> <p>13 the RHU in some other areas of the</p> <p>14 institution where she related to you any</p> <p>15 sexual or flirtatious encounters between</p> <p>16 her and members of the Cambridge Springs</p> <p>17 staff?</p> <p>18 A. No.</p> <p>19 Q. Now, did you leave the --- after</p> <p>20 you left the medical area, did Lisa</p> <p>21 accompany you or did you part your ways</p> <p>22 at that point after the photographs were</p> <p>23 taken?</p> <p>24 A. We did part our ways and what I</p> <p>25 recall was this was getting on late in</p>

<p style="text-align: right;">Page 110</p> <p>1 the afternoon and at the time Charley 2 Utts was acting Superintendent because 3 Superintendent Wolf was out of the 4 institution. 5 Q. For the day? 6 A. For the day. But he had returned 7 late in the day, probably 4:30, five 8 o'clock. And at that point he, of 9 course, took over command and he decided 10 he was going to put Ms. Lambert in the 11 restricted housing unit. So before I 12 left that day, at the time, to my dismay 13 I saw her and an RHU guard being escorted 14 to the restricted housing unit which is 15 contrary, of course, to what I had 16 reassured her based on Deputy Utts 17 reassuring me two hours or an hour and a 18 half earlier. 19 Q. Now, where was it that you 20 reassured her that she would ---? 21 A. That was in my office. 22 Q. Okay. After you came back from 23 your meeting with Deputy Utts, it was 24 then that you told her we're going to go 25 to medical, but you're not going to be</p>	<p style="text-align: right;">Page 112</p> <p>1 classification center. And then 2 depending on their degree of involvement 3 with the psychology staff, we may augment 4 that file with things of this nature. 5 Q. Of the DC-14 nature? 6 A. Right. 7 Q. And if a person hadn't been at 8 Muncy, what would they be classified 9 here? 10 A. At that time we weren't getting 11 any people that weren't coming from 12 Muncy? 13 A. Okay. 14 Q. So there was a file more or less 15 for everybody who was admitted to this 16 institution? 17 A. There's the right to refuse the 18 testing and there are inmates who refuse 19 to participate in that process and they 20 wouldn't have a file. 21 Q. Right. In any event, the routine 22 would have been that the DC-14 would be 23 placed in all files that had been opened 24 because of the classification process; is 25 that correct?</p>
<p style="text-align: right;">Page 111</p> <p>1 placed in the RHU? 2 A. Yes. 3 Q. So I can get an understanding of 4 these DC-14s, who is in the chain of 5 distribution or in the stream of 6 distribution of the DC-14s? Who all 7 receives copies? 8 A. At that time? 9 Q. Right. 10 A. Basically the counselor and I 11 kept a copy in my file. Now, the 12 original goes down to the psychiatric 13 section of the health care record, a copy 14 goes to the counselor and a copy is 15 placed in my psychology file. 16 Q. Was it your practice during 1994 17 to open up a file for each of the inmates 18 that you were seeing individually? 19 A. We would get raw testing data 20 from SCI Muncy from the diagnostic and 21 classification center there. So for 22 every inmate that was transferred from 23 Muncy --- or virtually every inmate, we 24 would already have a psychology file 25 started from the diagnostic and</p>	<p style="text-align: right;">Page 113</p> <p>1 A. The DC-14 is really a form that 2 is from the counselor's forms. One thing 3 you have to realize is that historically 4 the Department of Corrections has not 5 made a practice of providing individual 6 counseling to inmates. I mean, the ratio 7 is one psychology staff for 300 inmates. 8 And in most institutions there's not a 9 whole lot of individual therapy going on. 10 And when there is, like I said, in the 11 earlier years before the Austin 12 litigation, there was not a whole lot in 13 place in the way of mandated 14 documentation of those individual 15 contacts. 16 Q. Would you have opened up a file 17 for Lisa Lambert in 1994 of some sort? 18 A. Probably we had her raw testing 19 data from SCI Muncy and there was a file. 20 Q. Okay. And so your copy of the 21 DC-14 would have gone into that file? 22 A. Yes. 23 Q. And are those the only documents, 24 as best you can recall, that would have 25 been in her psychological file?</p>

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1 A. There may have been copies of any
2 EOs that I had written. There may have
3 been copies ---.
4 **Q. Of any what?**
5 A. EOs, extraordinary occurrence
6 forms. There may have been copies of
7 misconduct dispositions.
8 **Q. Did you prepare any extraordinary**
9 **occurrence form in connection with the**
10 **allegations made by Lisa Lambert on the**
11 **13th of October, 1994?**
12 A. I'm virtually certain I did
13 because that would have been required. I
14 don't have that to look at because I
15 don't have the record. But I bet the
16 bank I did.
17 **ATTORNEY KRAKOFF:**
18 I don't believe that
19 we've received a copy of such a
20 form so that's one of the things
21 that clearly is covered by the
22 request.
23 **ATTORNEY HALLORAN:**
24 We've looked and as far
25 as I know we don't have it. It

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1 might be in the records that we
2 don't have yet.
3 **BY ATTORNEY KRAKOFF:**
4 **Q. Now, let me refer you to ---.**
5 **ATTORNEY KRAKOFF:**
6 And by the way, is now a
7 good time --- I think we must be
8 getting on around 12:00 or 12:15.
9 A. It is 12:00.
10 **SHORT BREAK TAKEN**
11 **BY ATTORNEY KRAKOFF:**
12 **Q. Now, let me refer you to ---**
13 **refer you. We're on the same exhibit,**
14 **ten, page ten?**
15 A. Yes.
16 **Q. Okay. Turn to the 10th page of**
17 **page 10 (sic). They're marked. I marked**
18 **them down here. That's a multiple-page**
19 **exhibit.**
20 **Q. Now, this is an inmates request**
21 **to a staff member dated the 14th of**
22 **October, 1994 and it's addressed to you**
23 **and you'll see the part that says**
24 **disposition. Is that your handwriting**
25 **that appears below?**

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1 A. Yes.
2 **ATTORNEY HALLORAN:**
3 Where it begins with
4 Lisa?
5 **BY ATTORNEY KRAKOFF:**
6 **Q. Lisa, the string of misconducts**
7 **then did not turn out to be as bad as**
8 **they seemed. Initially you wrote that?**
9 A. Uh-huh (yes).
10 **Q. I look at the bottom of this.**
11 **The last sentence reads, I will be**
12 **stopping by as much as possible. It goes**
13 **on to the next page. Do you see that?**
14 A. Uh-huh (yes).
15 **Q. I take it that page 11 is just**
16 **the continuation from page --- page 11 is**
17 **a continuation from page 10; is that**
18 **correct?**
19 A. Yes.
20 **Q. And that's your signature?**
21 A. Yes.
22 **Q. And it was dated the 17th of '94**
23 **which means --- of October 1994. So I**
24 **take it that your response was on the**
25 **17th of October, is that correct, based**

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1 **upon ---?**
2 A. I can't see my 17, but I see
3 yours there.
4 **ATTORNEY HALLORAN:**
5 It's cut off on this
6 copy.
7 A. Yes, sir, I see that.
8 **BY ATTORNEY KRAKOFF:**
9 **Q. Now, briefly, do you have a**
10 **recollection --- you can review this**
11 **document, if you'd like, to refresh your**
12 **recollection if it can. Do you have a**
13 **recollection of what the string of**
14 **misconducts referred to?**
15 A. Not off the bat, no. She's
16 talking up there. She says, I didn't get
17 any time in locks on disciplinary
18 custody, but I'm still locked up anyway.
19 So they have still one. I'm just trying
20 to read.
21 **ATTORNEY HALLORAN:**
22 You can read it quietly
23 to yourself.
24 **BY ATTORNEY KRAKOFF:**
25 **Q. You can read it to yourself.**

<p style="text-align: right;">Page 118</p> <p>1 WITNESS REVIEWS DOCUMENT</p> <p>2 A. No, I don't recall what that</p> <p>3 means.</p> <p>4 BY ATTORNEY KRAKOFF:</p> <p>5 Q. Okay. Now, if you turn to page</p> <p>6 12 of this exhibit, do you have that?</p> <p>7 A. Yes.</p> <p>8 Q. This is fairly difficult from the</p> <p>9 standpoint of legibility to make out. In</p> <p>10 any event, the bottom part where it says</p> <p>11 disposition you have --- strike that.</p> <p>12 It says, seen in RHU 10/17/94.</p> <p>13 Is that your handwriting?</p> <p>14 A. Yes.</p> <p>15 Q. And that was dated the 18th of</p> <p>16 October 1994?</p> <p>17 A. I don't know if that's the 13th</p> <p>18 or the 18th.</p> <p>19 ATTORNEY HALLORAN:</p> <p>20 It has to be the 18th.</p> <p>21 BY ATTORNEY KRAKOFF:</p> <p>22 Q. Well, it has to be the 18th,</p> <p>23 doesn't it, ---</p> <p>24 A. Okay. All right.</p> <p>25 Q. --- because this was sent on the</p>	<p style="text-align: right;">Page 120</p> <p>1 Q. Okay. Now, do you have a</p> <p>2 recollection of what caused you to</p> <p>3 prepare this document?</p> <p>4 A. Yes, I do.</p> <p>5 Q. Okay. Before I ask you what</p> <p>6 caused you, I'll note that it says, Lisa,</p> <p>7 and then it goes on from there, the text</p> <p>8 of it. Was this a document that you</p> <p>9 addressed to Lisa Lambert?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And what was it that prompted you</p> <p>12 to prepare this document?</p> <p>13 A. I believe that it was the fact</p> <p>14 that initially when she came to me</p> <p>15 reporting the abuse, as I said earlier, I</p> <p>16 assured her that she would not be locked</p> <p>17 up in the restricted housing unit because</p> <p>18 that is what Deputy Utts told me. That</p> <p>19 turned around very quickly. She ended up</p> <p>20 being locked up. And being locked up</p> <p>21 turned out to be a protracted prolonged</p> <p>22 thing for her. And she saw that as a</p> <p>23 betrayal.</p> <p>24 Q. Now, do you have a recollection</p> <p>25 of whether you wrote this in response to</p>
<p style="text-align: right;">Page 119</p> <p>1 17th?</p> <p>2 A. Yes, of course.</p> <p>3 Q. Now, turn to page 13 of Exhibit</p> <p>4 Ten, please. And then you'll see page 14</p> <p>5 and page 15. This was a document that</p> <p>6 was turned over during the course of</p> <p>7 discovery and I'm going to ask you some</p> <p>8 questions about this. And this you can</p> <p>9 read to yourself. So in the event you</p> <p>10 haven't done it recently, just so you can</p> <p>11 refresh your recollection. First, I'm</p> <p>12 going to ask you whether this is a</p> <p>13 document that you prepared?</p> <p>14 A. Yes, it is a document that I</p> <p>15 prepared.</p> <p>16 Q. And you note that on page 14, the</p> <p>17 second page of this document, it's dated</p> <p>18 12/16/94. So that's December 16, 1994.</p> <p>19 Do you have any reason to believe that</p> <p>20 that's not an accurate date?</p> <p>21 A. No.</p> <p>22 Q. Okay. Have you read this</p> <p>23 document recently or would you like time</p> <p>24 to review it now?</p> <p>25 A. No, I did read the document.</p>	<p style="text-align: right;">Page 121</p> <p>1 something that Lisa either said to you or</p> <p>2 in response to something Lisa wrote to</p> <p>3 you?</p> <p>4 A. I would suspect that it was a</p> <p>5 response to something that she wrote to</p> <p>6 me.</p> <p>7 Q. Do you know whether this response</p> <p>8 --- whether the --- strike that.</p> <p>9 Do you know whether the</p> <p>10 correspondence of 12/16/94 was delivered</p> <p>11 to Lisa?</p> <p>12 A. I think it probably was. I can't</p> <p>13 say with certainty.</p> <p>14 Q. Do you have a recollection of</p> <p>15 giving this directly to Lisa?</p> <p>16 A. No, I don't deliver it directly.</p> <p>17 It goes through the institutional mail.</p> <p>18 That's why it's addressed the way it is</p> <p>19 here.</p> <p>20 Q. Okay. Now, this document</p> <p>21 addresses two issues; doesn't it? One</p> <p>22 was her feelings of betrayal as you</p> <p>23 referred to on page 15 in the second</p> <p>24 paragraph and then the other addressed a</p> <p>25 videotaping issue; is that correct?</p>

<p style="text-align: right;">Page 122</p> <p>1 A. Yes.</p> <p>2 Q. Let me preface this question with</p> <p>3 a note that I'm not attempting to split</p> <p>4 hairs, but I'm attempting to have this</p> <p>5 correspondence as precisely described by</p> <p>6 you as possible. Let me refer you to</p> <p>7 page 14 of Exhibit Ten.</p> <p>8 ATTORNEY HALLORAN:</p> <p>9 I'll object to the</p> <p>10 question. The correspondence</p> <p>11 speaks for itself.</p> <p>12 ATTORNEY KRAKOFF:</p> <p>13 Okay.</p> <p>14 BY ATTORNEY KRAKOFF:</p> <p>15 Q. Well, then, if it speaks for</p> <p>16 itself, let me ask you --- you wrote I</p> <p>17 could not have protected you without</p> <p>18 notifying others of your reports. That's</p> <p>19 plural, reports. What reports were you</p> <p>20 referring to?</p> <p>21 A. I was speaking to the fact that</p> <p>22 her allegations against Sergeant Raun</p> <p>23 were very detailed, okay. And that's the</p> <p>24 only reason I put the S on there. I was</p> <p>25 speaking specifically about the 10/13/94</p>	<p style="text-align: right;">Page 124</p> <p>1 A. Under my rules as a human being.</p> <p>2 Q. Okay. So you weren't referring</p> <p>3 to any ethical obligation associated with</p> <p>4 your license, your psychology license; is</p> <p>5 that correct?</p> <p>6 A. Not specifically there, no.</p> <p>7 Q. And so then ethically and morally</p> <p>8 would have been interchangeable?</p> <p>9 A. Yes.</p> <p>10 Q. Now, in the next paragraph, after</p> <p>11 telling Lisa that you had no authority to</p> <p>12 release her from the RHU, you noted that</p> <p>13 you had personally talked with the</p> <p>14 Superintendent, that means Superintendent</p> <p>15 Wolf?</p> <p>16 A. Uh-huh (yes).</p> <p>17 Q. And you told him that you did not</p> <p>18 feel that an extended stay in the area,</p> <p>19 meant the RHU, ---</p> <p>20 A. Uh-huh (yes).</p> <p>21 Q. --- is reasonable? Did you, in</p> <p>22 fact, have a talk with the</p> <p>23 superintendent?</p> <p>24 A. I wouldn't have written it down</p> <p>25 if I didn't.</p>
<p style="text-align: right;">Page 123</p> <p>1 allegations that she made that involved</p> <p>2 the bruises in the landing.</p> <p>3 Q. Well, what reports? What reports</p> <p>4 were you referring to?</p> <p>5 A. The verbal reports, her</p> <p>6 allegations.</p> <p>7 Q. And you viewed that as more than</p> <p>8 one report to you?</p> <p>9 A. To me that's just a semantic kind</p> <p>10 of thing there, report, reports,</p> <p>11 verbalization, verbalizations.</p> <p>12 Q. Okay. You wrote, I am ethically</p> <p>13 and morally bound to report allegations</p> <p>14 of abuse. Now, what ethical principles</p> <p>15 were you referring to? What body or</p> <p>16 single ethical principle were you</p> <p>17 referring to?</p> <p>18 A. I wasn't reporting a single</p> <p>19 specific ethical obligation. I was using</p> <p>20 that in a generic sense. If an inmate</p> <p>21 comes to me telling me a staff is</p> <p>22 physically assaulting her, ethically I</p> <p>23 need to report that.</p> <p>24 Q. Ethically under your rules as a</p> <p>25 psychologist?</p>	<p style="text-align: right;">Page 125</p> <p>1 Q. And do you recall approximately</p> <p>2 how long prior to writing Lisa that you</p> <p>3 had that talk with him?</p> <p>4 A. Not exactly how long prior, no,</p> <p>5 sir.</p> <p>6 Q. Do you recall what you told the</p> <p>7 superintendent?</p> <p>8 A. I don't recall verbatim.</p> <p>9 Q. Remember I'm never asking you</p> <p>10 verbatim. You know, I'm asking you the</p> <p>11 sum and substance.</p> <p>12 A. The sum and substance, I told him</p> <p>13 that I felt that maintaining her in the</p> <p>14 restricted housing unit for a prolonged</p> <p>15 period of time was not reasonable.</p> <p>16 Q. And did you explain to him why</p> <p>17 you didn't believe it wasn't reasonable?</p> <p>18 A. I don't know if I did or not.</p> <p>19 Q. Did you have an impression in</p> <p>20 your mind why it was not reasonable for</p> <p>21 her to be in the RHU for an extended</p> <p>22 period of time?</p> <p>23 A. Yes, I did.</p> <p>24 Q. And what was that?</p> <p>25 A. The impression in my mind is that</p>

<p style="text-align: right;">Page 126</p> <p>1 it was --- there was a pitfall involved 2 in it and specifically the pitfall was 3 this woman comes reporting abuse at the 4 hands of a staff member, the contingency 5 therein, the consequence is to be locked 6 up in the restricted housing unit for 7 weeks and weeks. I was concerned about 8 the message that it was sending to the 9 population that if you speak out about 10 something like this, that you're going to 11 get locked up. Not to mention the fact 12 that I had some empathy for her being in 13 there day in and day out. 14 Q. Now, on page 15, the last 15 paragraph of your correspondence to Lisa, 16 you wrote regarding the videotaping of 17 you upon your return from ATA, what did 18 ATA mean? 19 A. That means authorized temporary 20 absence. 21 Q. You wrote, I did not know this 22 was happening. Nobody informed me of 23 your return and/or the plan to videotape 24 you. My question is, do you have a 25 recollection of Lisa describing the</p>	<p style="text-align: right;">Page 128</p> <p>1 Q. Did anybody at Cambridge Springs, 2 and that's anybody from Superintendent 3 Wolf on down the chain of command through 4 the commission officers, at any point 5 question you about Officer Icker's 6 alleged relationships between --- with 7 Cambridge Springs women? 8 A. Not that I can recall, sir. 9 Q. Did you at any point ever prepare 10 anything in writing related to possible 11 inappropriate contact between Officer 12 Icker and Cambridge Springs inmates? 13 A. Not that I can recall, sir. 14 Q. Did you provide any testimony at 15 Officer Icker's criminal trial? 16 A. No, sir. 17 Q. So as far as you can recall, 18 neither Superintendent Wolf nor Deputy 19 Superintendent Utts nor Deputy 20 Superintendent Karmanic nor the captain 21 of security nor any lieutenants 22 questioned you about anything that Lisa 23 Lambert might have told you about contact 24 between her and Officer Icker; is that 25 correct?</p>
<p style="text-align: right;">Page 127</p> <p>1 videotaping to you? 2 A. No, sir. 3 Q. Okay. Do you have a recollection 4 of having any sessions with Lisa Lambert 5 in your office after the 13th of October 6 1994, the date that you went with her to 7 the medical department? 8 A. No, sir. 9 Q. Now, it came to your attention at 10 some point, didn't it, that Officer Icker 11 was under investigation by OPR for 12 possible sexual encounters with Cambridge 13 Springs inmates? 14 A. What's OPR stand for? 15 Q. Office of Professional 16 Responsibility? 17 A. No, I was not aware that that 18 organization even existed. 19 Q. Did anybody from the central 20 office of the Department of Corrections 21 ever meet with you to address issues 22 involving alleged, inappropriate contact 23 between Officer Icker and Cambridge 24 Springs inmates? 25 A. Not that I can recall, sir.</p>	<p style="text-align: right;">Page 129</p> <p>1 A. That's correct. 2 Q. Did any of those persons or job 3 titles, positions, question you about any 4 information you might have about alleged 5 inappropriate contact between any other 6 Cambridge Springs inmates and Cambridge 7 Springs staff? 8 A. Not that I can recall. 9 Q. Did Robin Phillips at any point 10 in her involvement with you in group 11 sessions ever discuss any allegations of 12 inappropriate conduct on the part of 13 Marty Miller toward her? 14 A. Yes, but it was post-conviction 15 of Marty Miller. 16 Q. Okay. What did she tell you? 17 A. She basically verbalized 18 dissatisfaction, frustration with the 19 fact that he had received what she 20 perceived as a light sentence for his 21 crimes and then less than a year ago she 22 apparently got some correspondence 23 regarding Mr. Miller's pending release. 24 And she brought that into group one day 25 and showed it to me and, again,</p>

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1 verbalized upset, frustration with the
 2 fact that he was getting out of jail.
 3 **Q. Did she ever discuss with you**
 4 **what Marty Miller had allegedly done to**
 5 **her?**
 6 A. Not until after his conviction?
 7 **Q. But then after did she?**
 8 A. I believe that she did at one
 9 point indicate that his inclination, his
 10 propensity was to grope, grope her
 11 breast.
 12 **Q. Okay. I asked you whether she**
 13 **had told you anything in the context of**
 14 **group sessions about Marty Miller. Had**
 15 **she had any discussions with you in any**
 16 **other context about Marty Miller and his**
 17 **behavior toward her or other Cambridge**
 18 **Springs women?**
 19 A. No, sir.
 20 **Q. What about Sylvia Vasquez? Did**
 21 **she have any discussions with you about**
 22 **allegedly inappropriate behavior by Marty**
 23 **Miller toward her or any other prisoners?**
 24 A. Yes, she did, sir.
 25 **Q. Okay. And do you recall when she**

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1 **first approached the subject?**
 2 A. Yes. It was after she had
 3 already reported to other personnel in
 4 the institution. In fact, it was after
 5 Mr. Miller was removed from his position
 6 in the institution. It was, to the best
 7 of my recollection, at the time that
 8 there was --- the trial --- he was being
 9 prepared for trial and she sought out
 10 some assistance with the whole
 11 circumstance, the whole thing.
 12 **Q. Assistance of what nature?**
 13 A. Well, I think that she was
 14 struggling with having reported. I think
 15 that she was struggling with the
 16 probability of having to testify at his
 17 trial. I think that she was struggling
 18 with some of her associates/friends'
 19 reactions to her reporting the
 20 allegations. I think she was struggling
 21 with the after effects of what Mr. Miller .
 22 had done.
 23 **Q. What did she tell you about the**
 24 **after effects?**
 25 A. She talked about believing

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1 initially that she could get this man to
 2 stop what he was doing without having to
 3 come forward. She talked about some of
 4 her feelings associated with his
 5 approaches of her.
 6 **Q. What did she say about her**
 7 **feelings?**
 8 A. She talked about typically
 9 identified feelings as far as victims of
 10 sexual assault and molestation.
 11 **Q. Well, you've got to tell me what**
 12 **those are?**
 13 A. Powerless, helpless, ashamed,
 14 anxious, afraid.
 15 **Q. Were these during individual**
 16 **counseling sessions ---**
 17 A. Yes.
 18 **Q. --- that she told you about that?**
 19 A. Yes, sir.
 20 **Q. And can you set a time period ---**
 21 **an approximate time period? I know that**
 22 **you told me when they occurred.**
 23 A. Not more than what I've already
 24 done. It was during the time that --- I
 25 believe sometime in between his being

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1 arrested officially and the time that
 2 they went to trial and during the course
 3 of the trial itself I saw her.
 4 **Q. Do you have any of her records**
 5 **with you?**
 6 A. No, sir.
 7 **Q. Do you have a recollection of how**
 8 **many times you saw her?**
 9 A. I would estimate that I saw Ms.
 10 Vasquez anywhere between seven and ten
 11 sessions, probably closer to seven than
 12 ten.
 13 **Q. Okay. And were all of those**
 14 **sessions --- strike that.**
 15 **Was her initial contact with you**
 16 **expressly related to the Miller**
 17 **situation?**
 18 A. Yes, sir.
 19 **Q. And do you recall what her**
 20 **demeanor was like when she first began to**
 21 **speak to you about the Miller situation?**
 22 A. Yes. She was anxious. I would
 23 say that that was the primary mood that I
 24 was picking up on, anxiety.
 25 **Q. How could you detect the anxiety?**

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1 **What did you see?**

2 A. Nervous mannerisms, fidgeting,
3 again, a certain rapidness about her
4 speech, a certain pressured quality to
5 her speech.

6 **Q. Do you recall her crying during**
7 **--- when she first contacted you?**

8 A. I don't recall that being
9 presented, that tears being presented
10 initially were there.

11 **Q. What about later?**

12 A. I would say that there was
13 certainly a possibility that some tears
14 were shed during the course of those
15 approximately seven sessions.

16 **Q. Did she appear to be depressed to**
17 **you?**

18 A. Yeah, she did appear to be
19 somewhat depressed. There were other
20 stressors going on in her life as well.

21 **Q. Okay. With her daughter?**

22 A. With her daughter, with her son,
23 with trying to get back to the State of
24 New Jersey on parole, with her
25 relationship with another inmate here and

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1 that tied into the Marty Miller thing.

2 **Q. What was the relationship? What**
3 **do you mean by the relationship?**

4 A. She had a close relationship with
5 another woman here?

6 **Q. Of a sexual nature?**

7 A. I don't know that.

8 **Q. Okay. You said earlier that she**
9 **had talked about what other inmates were**
10 **--- I don't remember what the exact words**
11 **were, but it had something to do with the**
12 **--- one of the issues she discussed with**
13 **you or how I believe the thrust of it was**
14 **how other inmates perceived her reporting**
15 **what Miller had done; is that accurate?**

16 A. That's accurate.

17 **Q. Okay. And how did she describe**
18 **that?**

19 A. The sense that I got was that not
20 all other inmates were supportive of what
21 she had done.

22 **Q. Did she talk about any of them**
23 **viewing her as a snitch or --- you know**
24 **what the word snitch means in the prison**
25 **context?**

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1 A. Yes, I do. I don't know if she
2 used the term snitch. I did get the
3 sense that she was getting some input,
4 some comments from some of the other
5 womens --- the other women, excuse me,
6 that were not completely supportive,
7 okay. That were in some ways derogatory
8 and not supportive.

9 **Q. Okay. Did you get any impression**
10 **---**

11 **ATTORNEY KRAKOFF:**

12 Do you want to take a
13 break? Do you want to eat?

14 A. I'm just saying I don't know if I
15 can go without eating all day long.

16 **ATTORNEY KRAKOFF:**

17 Well, let's take a break.

18 Let's take a break.

19 **ATTORNEY HALLORAN:**

20 Mr. Krakoff, how much
21 more do you have? You can't have
22 that much.

23 **ATTORNEY KRAKOFF:**

24 No.

25 **LUNCH BREAK TAKEN**

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1 **BY ATTORNEY KRAKOFF:**

2 **Q. Would your practice of**
3 **interviewing or speaking with inmates**
4 **during the individual sessions for**
5 **approximately 50 minutes, was that still**
6 **your practice when you saw Sylvia**
7 **Vasquez?**

8 A. Yes.

9 **Q. Do you have any recollection of**
10 **whether Sylvia Vasquez saw anybody in the**
11 **psychology department in addition to you?**

12 A. No. I'm not saying that that's
13 not a possibility. I just don't have a
14 recollection.

15 **Q. Did you make a referral for**
16 **Sylvia Vasquez to be seen by any**
17 **physician or psychiatrist?**

18 A. I may have done that, but I
19 cannot say for certain.

20 **Q. What about for Robin Phillips?**

21 A. No, I have never referred Robin
22 Phillips for a psychiatric evaluation.

23 **Q. Did you view your sessions with**
24 **Sylvia Vasquez as individual counseling**
25 **sessions or did you view those as**

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1 individual therapy sessions?
 2 A. Counseling, supportive individual
 3 counseling.
 4 Q. Were there people during 1994,
 5 1995 or 1996 who you were seeing for
 6 individual therapy sessions?
 7 A. I would say so, yes.
 8 Q. So when you made reference in
 9 Exhibit Ten to participating in
 10 individual therapy sessions with Lisa
 11 Lambert on the 15th and 26th of August,
 12 that was in this statement?
 13 A. I would have been better to
 14 phrase that as counseling.
 15 Q. And when you counsel an inmate,
 16 does that include giving the inmates
 17 advice?
 18 A. It can.
 19 Q. And what in a generic sense
 20 determines whether you go from --- strike
 21 that.
 22 In a generic sense, what
 23 determines whether you're going to see an
 24 inmate for counseling or whether you're
 25 going to see an inmate in contrast for

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1 therapy?
 2 A. I would say primarily two things,
 3 what the presenting problem is and my
 4 resources at the time. And by resources,
 5 I mean staff compared to demand,
 6 workload.
 7 Q. Is therapy more difficult from
 8 the standpoint of time constraints?
 9 A. Well, therapy is not necessarily
 10 undertaken in a period of acute distress.
 11 Therapy is more something that one
 12 initiates because of long-standing
 13 patterns of maladaptive behavior rather
 14 than one precipitating event.
 15 Q. Okay. The counseling would then
 16 be generally when there's one
 17 precipitating event?
 18 A. Exactly.
 19 Q. Did Sylvia Vasquez ever describe
 20 to you what it was that Marty Miller had
 21 allegedly done to her?
 22 A. I believe that she talked to me
 23 about working with him on the plumbing
 24 crew, being in relatively isolated parts
 25 of a building, and I believe specifically

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1 what we come to call Freddy Krueger's
 2 over there, cahoots check or whatever
 3 it's called. She talked about how he
 4 would split up the crews and how she
 5 would try to not be in a position where
 6 she would have to work with him, just him
 7 and her. And the different ways that she
 8 would try to avoid that and how it would
 9 ultimately end up where she would end up
 10 having to work side by side.
 11 Again, we're talking substance
 12 rather than specific verbatim content. I
 13 recall her talking about him unzipping
 14 his zipper, exposing his penis,
 15 soliciting oral sex from her.
 16 Q. And did she talk about after it
 17 was solicited, what, if anything,
 18 occurred?
 19 A. No.
 20 Q. Did she ever talk about anything
 21 in a sexual nature other than exposing
 22 himself that he did to her?
 23 A. That's what stands out, although
 24 she may have talked about, you know, him
 25 having an inclination to rub up against

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1 her in an unwanted way. I think it's
 2 called frottage or something of that
 3 nature that he was just kind of in her
 4 space and in an unwanted way.
 5 Q. Did she ever describe him
 6 touching her genital areas?
 7 A. She may have done that, but I
 8 don't recall that specifically.
 9 Q. What about her breasts?
 10 A. She may have done that.
 11 Q. Now, had any women, prior to your
 12 counseling Sylvia Vasquez, registered any
 13 complaints about Marty Miller getting in
 14 their space?
 15 A. Yes, sir.
 16 Q. And did you report any of those
 17 to any --- any of those allegations to
 18 any members of the staff?
 19 A. Yes, sir.
 20 Q. And do you recall approximately
 21 when it was that you reported that?
 22 A. No, sir.
 23 Q. Do you recall the year?
 24 A. I would guess 1995 or 1996.
 25 Q. Was this something that you

<p style="text-align: right;">Page 142</p> <p>1 reported in response to something --- in 2 response to somebody coming to you or did 3 you initiate it? 4 A. No, it was something that I did 5 in response to an inmate coming to me and 6 reporting to me that Mr. Miller had 7 behaved inappropriately towards her. And 8 that as a consequence she wanted to take 9 a job change. She wanted to get away 10 from the man. 11 Q. I'm not going to ask you to name 12 the inmate, but I'm going to ask you to 13 relate the substance of what she said 14 Miller had done toward her? 15 A. She told me that he called her 16 into his office and that he basically 17 backed her up against the wall and he 18 groped her breast. 19 Q. Okay. After you received that 20 information, who did you go to? 21 A. After I received that 22 information, I wrote it up on an 23 extraordinary occurrence form and sent it 24 to the intelligence captain. I also 25 talked with Deputy Charles Utts and I</p>	<p style="text-align: right;">Page 144</p> <p>1 response was to, in essence, validate my 2 feelings, indicate that this was not the 3 first time that someone had come to him 4 with suspicions that Mr. Miller was 5 inappropriate. But also to let me know 6 that investigations are a process that 7 involves several steps and that we 8 couldn't --- you know, basically implying 9 that we couldn't just step off and, you 10 know, can the man based on one allegation 11 here. That we needed to take the 12 investigatory steps to find out what was 13 going on. 14 Q. Did he indicate to you that there 15 was already an investigation of Miller in 16 progress? 17 A. I don't remember for certain, but 18 I do have a sense that this was not the 19 first time, okay, that Mr. Miller's name 20 had arisen with regard to inappropriate 21 interactions with females. 22 Q. Did Mr. Utts explicitly tell you 23 that he had any concerns about Marty 24 Miller? 25 A. Sure. He was concerned because I</p>
<p style="text-align: right;">Page 143</p> <p>1 also talked with Superintendent Wolf 2 about it. 3 Q. When you spoke with Deputy 4 Superintendent Utts, what did you tell 5 him? 6 A. The substance of what I told him 7 was that I had concerns about Mr. Marty 8 Miller. That I had no reason whatsoever 9 to believe that this particular woman 10 would fabricate such an allegation and 11 that my intuitive sense was that the man 12 was inappropriate in his interactions 13 with the women. 14 Q. Okay. Plural, women as opposed 15 to woman? 16 A. I am plural because my training 17 with regard to the nature of people who 18 commit sexual offenses and treating 19 sexual offenders is that rarely do you 20 see a man who sexual assaults one person, 21 one time in his life and that's the only 22 reason I make a plural there. 23 Q. What was Deputy Superintendent 24 Utts' response? 25 A. Deputy Superintendent Utts'</p>	<p style="text-align: right;">Page 145</p> <p>1 was concerned. 2 Q. But did he indicate to you that 3 he was concerned because of what you said 4 or did he indicate to you that his 5 concern was broader than that? 6 A. As I said, he did indicate to me 7 that I was not the first person, okay, to 8 come to him or to report by some 9 mechanism that Mr. Marty Miller's 10 interactions with females were less than 11 appropriate. 12 Q. Female inmates? 13 A. Females generally. 14 Q. Generally. Okay. So you 15 couldn't conclude from that discussion 16 whether he was referring to female staff 17 members or female inmates? 18 A. Yes, sir. 19 Q. Yes, you couldn't conclude? 20 A. That's correct. 21 Q. Now, you said that you spoke with 22 Officer --- strike that. 23 You said that you spoke with 24 Superintendent Wolf also about what that 25 inmate had told you; is that correct?</p>

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1 A. Yes, sir.
 2 **Q. Did you speak with Superintendent**
 3 **Wolf before or after you spoke with**
 4 **Deputy Superintendent Utts?**
 5 A. It was concurrently. In fact,
 6 the reason I spoke with Superintendent
 7 Wolf was because he happened to come into
 8 the office while I was talking to Deputy
 9 Utts about it, coincidentally.
 10 **Q. All right. And what is your**
 11 **recollection, if you have one, of what**
 12 **Superintendent Wolf's reaction was?**
 13 A. Pretty much the same as how I've
 14 described Deputy Utts' reaction.
 15 **Q. He indicated to you then that he**
 16 **was aware of concerns about Marty Miller**
 17 **prior to the day that you related the**
 18 **information?**
 19 A. That is my recall, sir.
 20 **Q. Now, after that, did you have any**
 21 **discussions with any other members of the**
 22 **staff in conjunction with the complaint**
 23 **about Marty Miller from the woman that**
 24 **you had referred to?**
 25 A. Not that I'm able to recall, sir.

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1 **Q. Okay. Other than that woman and**
 2 **Sylvia Vasquez, were there any other**
 3 **women prisoners who discussed Marty**
 4 **Miller either getting in their space or**
 5 **acting inappropriately toward them?**
 6 A. Yes, sir.
 7 **Q. And do you recall when that ---**
 8 **when approximately that woman related the**
 9 **information to you?**
 10 A. When? No, sir.
 11 **Q. Was it before or after the**
 12 **meeting with the other woman you referred**
 13 **to. Let's call ---**
 14 A. I would say after.
 15 **Q. --- her inmate A ---**
 16 A. I would say after.
 17 **Q. --- so that we can identify. So**
 18 **we'll call her, the one subsequent inmate**
 19 **B. Were you seeing inmate B in**
 20 **counseling?**
 21 A. Inmate B had a major psychiatric
 22 illness and my interactions with her were
 23 more kind of monitoring and tracking her
 24 stability with regard to her mental
 25 illness.

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1 **Q. Now, did you see her in your**
 2 **office?**
 3 A. Yes.
 4 **Q. Okay. And what did she --- the**
 5 **sum and substance, what did she tell you?**
 6 A. She told me that Mr. Miller was,
 7 quote, unquote, a horny toad.
 8 **Q. Okay.**
 9 A. And that she was sick of the way
 10 that he was around the women, that
 11 somebody ought to do something about him.
 12 She, again, had a major mental illness so
 13 there was some tangentially about her
 14 speech. She was not real goal directed
 15 and always logical in her reports, but
 16 she kind of rambled about candy. Okay.
 17 About him bringing candy for the women
 18 alluding that this was how he would get
 19 sexual favors for them.
 20 **Q. Did she describe anything sexual**
 21 **that he did --- allegedly did with any of**
 22 **the women prisoners?**
 23 A. I believe that she talked more
 24 about his language. Okay. About his
 25 language being sexually laden, about

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1 possibly gestures, again, the space
 2 issues.
 3 **Q. Did she get specific about his**
 4 **language?**
 5 A. No. She may have, but I don't
 6 recall.
 7 **Q. Now, your discussion with inmate**
 8 **B, did that occur before Marty Miller was**
 9 **removed from the institution?**
 10 A. I do believe so, yes, sir.
 11 **Q. Do you recall how long before he**
 12 **was removed?**
 13 A. No, sir. I don't think too long
 14 before.
 15 **Q. By too long, approximately what**
 16 **--- are you talking about a matter of**
 17 **days or weeks or months?**
 18 A. Not a matter of days. Less than
 19 six months.
 20 **Q. Okay. Was there an inmate C?**
 21 A. No, sir, not prior to his
 22 conviction.
 23 **Q. Now, what, if anything, did you**
 24 **do with the information that you were**
 25 **given by inmate B?**

<p style="text-align: right;">Page 150</p> <p>1 A. I wrote it up on an extraordinary 2 occurrence form.</p> <p>3 Q. Okay. And the extraordinary 4 occurrence form, that's something that is 5 distributed ultimately to whom?</p> <p>6 A. I'm not sure who all was cc'd. I 7 know that the deputy of facility 8 management gets a copy and that the 9 intelligence captain gets a copy.</p> <p>10 Q. Who did you direct the 11 extraordinary occurrence form to?</p> <p>12 A. Those, to my knowledge, are 13 supposed to be routinely directed to the 14 deputy of facility management.</p> <p>15 Q. Who was?</p> <p>16 A. Deputy Karmanic.</p> <p>17 Q. Now, were you interviewed about 18 that this guy --- the information you 19 received from inmate B? Did anybody on 20 the staff come to you to ask any 21 questions about what was in your report?</p> <p>22 A. I don't remember.</p> <p>23 Q. Did inmate B say that any of the 24 things that she had described, sexual 25 laden language, gestures, space intrusion</p>	<p style="text-align: right;">Page 152</p> <p>1 don't have yet, I don't know if 2 we have them. Although, I do 3 believe we have reference to the 4 inmates' names in the ---.</p> <p>5 ATTORNEY KRAKOFF: 6 Well, you can get that 7 information from her, I think, by 8 just --- you know, when I'm not 9 here, ask her what the names are. 10 Maybe they'll be in the inmate 11 files.</p> <p>12 ATTORNEY HALLORAN: 13 They might be.</p> <p>14 ATTORNEY KRAKOFF: 15 Is it your understanding 16 that there's like no central 17 repository of a collection of 18 extraordinary occurrence reports, 19 that you'd have to go to specific 20 files to get them?</p> <p>21 ATTORNEY HALLORAN: 22 I remember how I keep 23 them.</p> <p>24 ATTORNEY KRAKOFF: 25 Okay.</p>
<p style="text-align: right;">Page 151</p> <p>1 or candy had been done to her or given to 2 her?</p> <p>3 A. I don't think she said that, no.</p> <p>4 Q. So as you understood it, this is 5 something that she was describing 6 happening between Miller and other 7 inmates rather than between Miller and 8 herself?</p> <p>9 A. Yes.</p> <p>10 Q. Do you recall whether your 11 extraordinary occurrence report 12 identified your source of information, 13 i.e., inmate B by name?</p> <p>14 A. Yes, sir.</p> <p>15 ATTORNEY KRAKOFF: 16 I don't think, Mr. 17 Halloran, that I received either 18 of the extraordinary occurrence 19 reports that have been testified 20 to and I would like to, you know, 21 have copies of those.</p> <p>22 ATTORNEY HALLORAN: 23 We've looked for the 24 extraordinary occurrence reports, 25 unless they're in the records we</p>	<p style="text-align: right;">Page 153</p> <p>1 LUNCH BREAK TAKEN 2 BY ATTORNEY KRAKOFF:</p> <p>3 Q. Ms. Wolfgang, in any discussions 4 that you might have had with other staff 5 members or any conversations that took 6 place when you were present, did you hear 7 any talk about any allegations of 8 inappropriate sexual contact between 9 Cambridge Springs personnel and Cambridge 10 Springs inmates during the years 1994, 11 1995 or 1996?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Okay. And can you tell me what 14 you recall about those discussions or 15 conversations?</p> <p>16 ATTORNEY HALLORAN: 17 Are you talking about 18 inmates to her?</p> <p>19 ATTORNEY KRAKOFF: 20 No.</p> <p>21 BY ATTORNEY KRAKOFF: 22 Q. I've already asked about other 23 inmates relating things to you. But now 24 what I'm talking about is while you were 25 present either in a conversation that you</p>

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1 had with another member of the Cambridge
 2 Springs staff or that you were present
 3 during did you hear any talk about
 4 inappropriate sexual contact between
 5 Cambridge Springs personnel and inmates?
 6 A. Yes, but that would be limited to
 7 --- through the grapevine gossip
 8 variety-type stuff at lunchtime, not in
 9 an official investigatory capacity.
 10 Q. Let's focus on the year 1994. Do
 11 you recall any --- strike that.
 12 Let's focus on the year 1993.
 13 Did you hear any gossip about
 14 inappropriate sexual contact between
 15 personnel and Cambridge Springs inmates?
 16 A. I would not be able to isolate
 17 1993.
 18 Q. What about 1994?
 19 A. I would say, if we're talking
 20 1994, yes.
 21 Q. Who do you recall being the
 22 subject of the gossip?
 23 A. I recall at that point Carl
 24 Zimmerman was the subject of the gossip.
 25 Q. Okay. Was he still working at

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1 the prison when you first heard the
 2 gossip about Carl Zimmerman?
 3 A. Yes.
 4 Q. And what was the gossip that you
 5 heard about him?
 6 A. The gossip had to do with him
 7 being in the restricted housing unit when
 8 you really didn't have any reason to be
 9 in the restricted housing unit. It had
 10 to do with him coming into work at odd
 11 shifts for reasons that were suspect. It
 12 had to do with him always apparently
 13 having Ms. Gunderson by his side, these
 14 types of things.
 15 Q. Do you recall whether
 16 Superintendent Wolf was present during
 17 any of that gossip?
 18 A. No, sir.
 19 Q. What about Deputy Utts?
 20 ATTORNEY HALLORAN:
 21 Do you mean you don't
 22 recall or they weren't present?
 23 A. I mean, I don't recall.
 24 BY ATTORNEY KRAKOFF:
 25 Q. What about Deputy Utts?

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1 A. I don't recall.
 2 Q. What about Deputy Karmanic?
 3 A. I don't recall.
 4 Q. What about Lieutenant Bartlet
 5 (phonetic)?
 6 A. I don't recall.
 7 Q. Did you take any of that gossip
 8 to any of those persons that I
 9 identified?
 10 A. No, sir.
 11 Q. Other than Carl Zimmerman in
 12 1994, do you recall hearing any gossip
 13 about any other personnel?
 14 A. The only other person would be
 15 Mr. Marty Miller, but I can't ascertain
 16 whether that was '94 or '95 or '96.
 17 Q. Okay. In 1995, do you have any
 18 recollection of hearing gossip about any
 19 personnel in the nature that I asked
 20 about?
 21 A. I may have heard some gossip
 22 about Mr. Marty Miller by 1995.
 23 Q. Anybody else?
 24 A. No, sir.
 25 Q. What about 1996, possibly Miller

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1 I take it?
 2 A. Yes.
 3 Q. Anybody else?
 4 A. No, sir.
 5 Q. I take it --- so I can focus
 6 specifically that you didn't hear any
 7 gossip about Officer Raun?
 8 A. I may have heard some gossip
 9 about Officer Raun. I don't know for
 10 sure. I don't remember hearing a lot
 11 about it, no, other than what Ms. Lambert
 12 had disclosed that we already talked
 13 about.
 14 Q. What about Icker? Do you recall
 15 any gossip about him?
 16 A. I don't remember Icker coming
 17 onto the scene. I don't know if he was
 18 even employed here in 1995. He might
 19 have been. No, I don't recall any gossip
 20 about Icker.
 21 Q. Okay.
 22 A. Maybe he was here in '95.
 23 Q. Let me refer you to page 10 of
 24 Exhibit Ten. It's the inmate's request
 25 to staff member dated October 14, 1994.

<p style="text-align: right;">Page 158</p> <p>1 A. Yes.</p> <p>2 Q. You'll note on line six she</p> <p>3 writes --- Lisa Lambert writes, I'm still</p> <p>4 being kept away from my friend and she</p> <p>5 goes on from there. Do you have a</p> <p>6 recollection of whether --- after</p> <p>7 receiving this, whether Lisa Lambert</p> <p>8 identified who that friend was?</p> <p>9 A. No, sir.</p> <p>10 Q. Do you recall whether at any</p> <p>11 point she identified to you who the</p> <p>12 friend was that she was referring to?</p> <p>13 A. She may have been talking about</p> <p>14 LeeAnn Javka (phonetic).</p> <p>15 Q. Okay. But you're not sure; is</p> <p>16 that right?</p> <p>17 A. That's correct.</p> <p>18 Q. And then she goes on to say, I'm</p> <p>19 not sorry I showed them what he did.</p> <p>20 Someone has to make him stop. I just</p> <p>21 want him to stop and she has that</p> <p>22 underlined. Did she ever clarify to you</p> <p>23 who she was referring to when she said, I</p> <p>24 just want him to stop?</p> <p>25 A. Given that this was dated on the</p>	<p style="text-align: right;">Page 160</p> <p>1 correspondence to Lisa.</p> <p>2 A. Uh-huh (yes).</p> <p>3 Q. In the second paragraph, you</p> <p>4 wrote, you've said to me that for two</p> <p>5 years you tried to tell people here that</p> <p>6 the officer was hurting you, but that</p> <p>7 nobody listened or believed. What</p> <p>8 officer were you referring to?</p> <p>9 A. Officer Raun.</p> <p>10 Q. And when writing, quote, you've</p> <p>11 said to me that for two years you tried</p> <p>12 to tell people here that the officer was</p> <p>13 hurting you, but that nobody listened or</p> <p>14 believed, had she told you that she had</p> <p>15 tried for two years to tell people at the</p> <p>16 prison that Officer Raun was hurting her?</p> <p>17 Had she told you that during your</p> <p>18 counseling sessions or had she told you</p> <p>19 that sometime after her last counseling</p> <p>20 session with you in October?</p> <p>21 A. She told me that during the</p> <p>22 counseling sessions.</p> <p>23 Q. Okay. And did she describe to</p> <p>24 you how Officer Raun was hurting her?</p> <p>25 A. Yes. In the manner that I've</p>
<p style="text-align: right;">Page 159</p> <p>1 14th and the incident that we spoke about</p> <p>2 occurring on the 13th involved the</p> <p>3 allegations of assault at the hands of</p> <p>4 Officer Raun, I would say that him refers</p> <p>5 to Officer Raun, Sergeant Raun at the</p> <p>6 time.</p> <p>7 Q. You're interpreting that from the</p> <p>8 --- or you're inferring that from the</p> <p>9 context; correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Did she ever --- after you</p> <p>12 received this, did you have any</p> <p>13 discussion with her about --- that would</p> <p>14 have identified who she was talking</p> <p>15 about?</p> <p>16 A. Well, as I indicated, I would</p> <p>17 monitor the restrictive housing unit and</p> <p>18 I would see her in the context of that</p> <p>19 monitoring and given that she had come to</p> <p>20 me with the allegations, I'm sure that we</p> <p>21 did have some discussion of what she had</p> <p>22 said, what she had alleged, what was</p> <p>23 going on from her vantage point.</p> <p>24 Q. Okay. If you can turn to page 14</p> <p>25 of Exhibit Ten, that's the 12/16/94</p>	<p style="text-align: right;">Page 161</p> <p>1 spoken of earlier in this testimony to</p> <p>2 the staring/stalking-type behaviors.</p> <p>3 Q. Okay. So you weren't referring</p> <p>4 to any sort of physical hurting?</p> <p>5 A. Not up to that point.</p> <p>6 Q. On page 15 of the exhibit in the</p> <p>7 second paragraph you wrote, quote, I can</p> <p>8 appreciate your feelings of betrayal and</p> <p>9 your not wanting to see me. Did she use</p> <p>10 that word to you that she felt betrayed?</p> <p>11 A. I don't know for sure, sir.</p> <p>12 Q. Now, had she told you that she</p> <p>13 didn't want to see you before you wrote</p> <p>14 this?</p> <p>15 A. I think maybe that was part of</p> <p>16 what she said, wasn't it, in this</p> <p>17 response? Where's the inmate request</p> <p>18 that goes along with this?</p> <p>19 Q. We don't have that.</p> <p>20 A. My guess is that usually when I</p> <p>21 respond to these, I deal directly with</p> <p>22 the content of the inmate's request, what</p> <p>23 she has said in the request.</p> <p>24 Q. Right.</p> <p>25 A. And I address those issues in my</p>

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1 response. So my guess is that she had
 2 indicated to me, I don't want to see you
 3 anymore. That's a guess.
 4 **Q. You think or you're guessing that**
 5 **she submitted a request to you?**
 6 A. Right.
 7 **Q. But you don't have an independent**
 8 **recollection of that; is that correct?**
 9 A. No, sir. But I don't think I
 10 would have said that unless that was in
 11 there.
 12 **Q. She could have told you that,**
 13 **though, couldn't she, face to face?**
 14 A. She could have, but I don't think
 15 she would have.
 16 ATTORNEY KRAKOFF:
 17 Obviously, when Lisa's
 18 file is obtained, if there is a
 19 request associated that led ---
 20 you know, that proceeded this,
 21 we'd like to have that.
 22 BY ATTORNEY KRAKOFF:
 23 **Q. I'm not asking you about a**
 24 **specific inmate's complaint or --- strike**
 25 **that.**

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1 I'm not asking you about a
 2 specific inmate's complaint, this is a
 3 much broader question. Did you ever
 4 discuss with Superintendent Wolf any
 5 concerns you might have had about
 6 inappropriate sexual contact, sexual
 7 harassment that were manic encounters
 8 between Cambridge Springs personnel and
 9 Cambridge Springs inmates? I'm asking
 10 that in a general sense as opposed to you
 11 early testified about going to
 12 Superintendent Wolf, I think, on at least
 13 one other occasion in response to a
 14 specific complaint?
 15 A. Yes. Given my previous testimony
 16 the answer is yes. I mean, I told you
 17 there was at least one instant where I
 18 did that. So the answer to your question
 19 would be yes.
 20 **Q. Okay. I'm asking about a ---.**
 21 ATTORNEY HALLORAN:
 22 If you could repeat the
 23 question again? Listen carefully
 24 to the question.
 25 BY ATTORNEY KRAKOFF:

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1 **Q. Did you have any general**
 2 **discussions with Superintendent Wolf in**
 3 **which you expressed concerns that inmates**
 4 **at Cambridge Springs ---**
 5 ATTORNEY HALLORAN:
 6 Generally.
 7 BY ATTORNEY KRAKOFF:
 8 **Q. --- generally and Cambridge**
 9 **Springs personnel might be involved in**
 10 **sexual contact, that sexual harassment**
 11 **might be occurring or that there might be**
 12 **inappropriate romantic encounters between**
 13 **Cambridge Springs personnel and Cambridge**
 14 **Springs inmates?**
 15 A. Not that I'm able to recall.
 16 **Q. What about with Deputy Utts. Did**
 17 **you ever address that topic in a general**
 18 **sense?**
 19 A. Not that I'm able to recall.
 20 **Q. Do you have a recollection of**
 21 **having such a discussion with Deputy**
 22 **Karmanic?**
 23 A. Not that I'm able to recall.
 24 **Q. Okay. Do you have any**
 25 **recollection of having such a discussion**

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1 with any member of the Cambridge Springs
 2 staff?
 3 A. Yes, sir.
 4 **Q. And who was that?**
 5 A. Mr. Carl Zimmerman.
 6 **Q. And can you explain when that**
 7 **occurred and what was said?**
 8 A. Yeah. After the inmate that I
 9 spoke previously about disclosed to me
 10 that she had observed Mr. Zimmerman
 11 kissing Ms. Gunderson in the basement of
 12 the dietary department, although I felt
 13 that I needed to keep what the inmate had
 14 told me confidentially --- confidential,
 15 I also felt that there was certainly a
 16 good chance that this was true and that
 17 Mr. Zimmerman was inappropriate in his
 18 conduct. And I made a decision to
 19 confront him personally about it.
 20 **Q. And you did?**
 21 A. Yes, I did.
 22 **Q. And why don't you describe that**
 23 **encounter?**
 24 A. That encounter involved sitting
 25 down with him in a private way at

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1 lunchtime and basically telling him in a
2 very general way that for a staff member
3 to become involved sexually with one of
4 the inmates here is inappropriate
5 conduct, that it's really a breach of
6 trust and that many, many of the women
7 here are survivors of childhood sexual
8 abuse, incest and that they're not in a
9 position to consent to sexual
10 interactions with a staff member.

11 **Q. And that was a one-on-one**
12 **discussion between --- you said that one**
13 **to one to Zimmerman?**

14 A. Mr. Zimmerman, yes.

15 **Q. There weren't other people**
16 **present?**

17 A. No.

18 **Q. And did he have a response?**

19 A. Yes, he did.

20 **Q. What did he say?**

21 A. He became defensive. He told me
22 that his wife met all of his needs and
23 that he wasn't involved with any of the
24 inmates sexually here.

25 **Q. Okay. And was that the only**

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1 **discussion you had with him about that?**

2 A. Yes, sir.

3 **Q. Have you ever been questioned in**
4 **a general sense by Superintendent Wolf,**
5 **Deputy Utts, Deputy Karmanic, Captain**
6 **Bartlet, Captain Lazenbee (phonetic) or**
7 **any lieutenant regarding possible sexual**
8 **abuse, sexual encounters, sexual**
9 **harassment or romantic relationships**
10 **between members of the Cambridge Springs**
11 **staff and Cambridge Springs inmates?**

12 A. Not that I'm able to recall. I
13 may have been confused. Regarding what I
14 had talked about as far as Superintendent
15 Wolf bringing it to my attention that to
16 not inform administration regarding what
17 the one inmate had told me she observed
18 in the dietary department, that may have
19 been an affirmative answer to that
20 question that you had. That he basically
21 told me in a general sense that whenever
22 somebody brings something like this to
23 you, it is your duty to report it to me
24 because it is a breach of security to the
25 institution.

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1 **Q. I understand. My question really**
2 **had related to whether you had ever been**
3 **questioned by the superintendent or**
4 **anybody else regarding possible sexual**
5 **abuse, a general --- not in relation to a**
6 **specific allegation that you might have**
7 **brought to his attention?**

8 A. Yes. That's why I answered it
9 the first way because I'm trying to get
10 the specific general stuff down here.

11 **Q. In other words, let me give you a**
12 **scenario. Superintendent Wolf or Deputy**
13 **Utts or Deputy Karmanic meets with you at**
14 **some point either in their office or**
15 **somewhere else --- in your office, and**
16 **says, Ms. Wolfgang, have you received any**
17 **information about possible sexually**
18 **inappropriate conduct between a member of**
19 **the staff and an inmate? That's what I**
20 **meant.**

21 A. And my answer is --- remain as
22 they have been. No. I do not recall
23 ever any general discussions of that
24 nature.

25 **Q. Okay. In the same question with**

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1 **respect to anybody from the central**
2 **office of the Department of Corrections,**
3 **has any member --- anybody who identified**
4 **himself or herself as being from the**
5 **central office ever questioned you in a**
6 **general sense about what, if anything,**
7 **you knew about sexual abuse, sexual**
8 **encounters, sexual harassment or**
9 **inappropriate sexual relations between**
10 **members of the staff and inmates?**

11 A. Can I have a word with him for a
12 minute?

13 **ATTORNEY KRAKOFF:**
14 **Certainly.**

15 **SHORT BREAK TAKEN**

16 A. I had recalled in the context of
17 what we're doing here that there was a
18 point --- I'm not sure what year it was.
19 It was at least three years ago, where I
20 did sit down and get interviewed by a man
21 from what I thought to be Internal
22 Affairs, okay, by the name of Mike. And
23 your question about anybody out of the
24 institution triggered that. But for the
25 life of me I can't with any certainty

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1 even recall what the issue was at that
 2 point. I'm kind of leaning towards it
 3 was the Zimmerman case, but I'm not sure.
 4 **Q. Was that Mike Walanon (phonetic)?**
 5 A. I believe that's who it was, yes.
 6 **Q. Okay.**
 7 A. The other thing that I wanted to
 8 make sure that I was clear on was that,
 9 you know, after that --- you know, at
 10 that point, at that juncture where I
 11 talked on the telephone with
 12 Superintendent Wolf regarding the boo-boo
 13 I had made by not reporting what Ms.
 14 Foreman (phonetic) had told me she saw in
 15 the basement of the dietary department.
 16 The Superintendent made it crystal clear,
 17 okay. That in any case like this if you
 18 hear in any way, shape or form in any
 19 context that staff are engaged in sexual
 20 behavior with inmates, it is your duty to
 21 report to me, that that is a breach of
 22 security to the institution.
 23 **Q. Well, did you report what Lisa**
 24 **Lambert told you about Officer Raun to**
 25 **Superintendent Wolf?**

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1 A. Meaning the assault allegations?
 2 **Q. No. Meaning what she first**
 3 **discussed with you about the stalking and**
 4 **staring at her?**
 5 A. No. Because as I've indicated in
 6 my note here she told me that she had
 7 reported that to other people, that it
 8 had already been reported.
 9 **Q. Right. But did you take any**
 10 **measures to determine whether she had**
 11 **reported it to other people?**
 12 A. I know that I had talked to
 13 Martha Miller, the parenting director
 14 there, and that she had reported those
 15 allegations. I know that Ms. Lambert was
 16 in routine communication with Charley
 17 Utts and that she was talking to Deputy
 18 Utts about this intermittently.
 19 **Q. How did you know that?**
 20 A. Because Lisa told me that.
 21 Because I talked to Martha and Martha had
 22 indicated that Ms. Lambert had come to
 23 her with those allegations. And Lisa
 24 told me that she said part of what her
 25 frustration was at the onset of our

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1 sessions --- I'm telling everybody this
 2 and nobody seems to be listening to me.
 3 **Q. I guess what occurs --- what is**
 4 **raised in my mind is that if the**
 5 **superintendent told you that it's a**
 6 **security issue, why would you rely upon**
 7 **an inmate representation that she had**
 8 **told somebody else about it?**
 9 A. I don't think I relied solely on
 10 the inmate representation. I think I had
 11 conversations with Charley Utts about it.
 12 I think I had conversations with the
 13 director of the parenting program about
 14 it.
 15 **Q. Okay. I don't know what that**
 16 **programming is. That's Ms. Miller?**
 17 A. Yes.
 18 **Q. And what is the parenting**
 19 **program?**
 20 A. The parenting program is a
 21 department within the institution that is
 22 in place to assist incarcerated mothers
 23 in maintaining contact with their minor
 24 children while they're incarcerated.
 25 **Q. And Ms. Miller had told you that**

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1 **she had related what Lisa had told her**
 2 **about Officer Raun to somebody; is that**
 3 **correct?**
 4 A. What is correct is that Ms.
 5 Miller and I had discussions about Ms.
 6 Lambert and about Ms. Lambert's
 7 reporting. I'm not going to sit here and
 8 say that I know that Martha Miller was
 9 formally involved in the reporting
 10 process because I don't know that.
 11 **Q. Okay. Had you known**
 12 **Superintendent Wolf prior to working at**
 13 **Cambridge Springs?**
 14 A. No, sir.
 15 **Q. What about Deputy Superintendent**
 16 **Utts?**
 17 A. No, sir.
 18 **Q. Let me refer you to Exhibit Six.**
 19 **Exhibit Six is a report from the special**
 20 **investigations office. You'll see on the**
 21 **second page of this exhibit --- it's**
 22 **marked Two. This report is dated**
 23 **December 5th, 1994. You'll see four**
 24 **paragraphs from the bottom --- do you see**
 25 **where it refers to you?**

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1 A. Uh-huh (yes).
 2 **Q. It says, Sandra Wolfgang,**
 3 **psychologist, states Lambert did not show**
 4 **her the bruises from the alleged assault**
 5 **by Raun until October 12, 1994. Wolfgang**
 6 **described Lambert as a person who, quote,**
 7 **stalks their victims, end quote, and**
 8 **admitted to her of being involved in a**
 9 **sexual relationship with CO-1 Icker.**
 10 **Now, did you describe Lisa Lambert to**
 11 **anybody with the Department of**
 12 **Corrections as a person who stalks their**
 13 **victims?**
 14 A. I don't recall saying that, but
 15 since it's quotes, it's possible that I
 16 did say that.
 17 **Q. And then it says and admitted of**
 18 **her being involved in a sexual**
 19 **relationship with CO-1 Icker?**
 20 A. I don't remember ever saying
 21 that.
 22 **Q. Are you clear in your mind that**
 23 **you didn't say that?**
 24 A. I'm as clear as I can be.
 25 **Q. Which means what? On the scale**

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1 **from one to ten, are you clear all the**
 2 **way up to a ten or a nine?**
 3 A. Yes, sir.
 4 **Q. A ten?**
 5 A. Yes, sir.
 6 **Q. Okay.**
 7 A. Alluded to, suggested.
 8 **Q. I'm sorry, suggested what?**
 9 A. Suggested being involved in a
 10 sexual relationship, alluded to.
 11 **Q. Okay. Are you saying that you**
 12 **told somebody from the Department of**
 13 **Corrections in the context of this**
 14 **investigation that Lambert alluded to**
 15 **being involved in a sexual relationship**
 16 **with Icker?**
 17 A. I don't know what I said verbatim
 18 to the man who wrote this report, okay.
 19 I do know that everything that I told you
 20 so far is the truth here. And that
 21 because her language was such that I felt
 22 that the reporting was going to be
 23 mandatory. At some point, I stopped her
 24 and I said, look, these are the rules.
 25 This is what I have to do. Understand

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1 that if you tell me X, Y or Z, I have to
 2 go and report that to authorities. So if
 3 you want to talk to me about this, you
 4 have to look at these relationships as X,
 5 Y and Z. And the reason why I did that
 6 was because she was moving towards
 7 content that was very much suggestive
 8 that she was engaging in sexual activity
 9 with officers.
 10 As I've said to you before, I did
 11 not find her particularly credible. In
 12 fact, I did not believe 60 to 70 percent
 13 of what this lady told me. Okay. And
 14 that my purpose in this whole thing was
 15 to get to focus on the sexual
 16 preoccupation, this compulsive sexuality
 17 that I was seeing and to be able to deal
 18 with that in the context of counseling
 19 without getting bogged down, okay, and a
 20 lot of reporting to the powers that be.
 21 Okay. At no point up until the point of
 22 her coming to me alleging assault by
 23 Officer Raun did this woman indicate any
 24 imminent fears on the part of herself as
 25 far as officers. My impression up to

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1 that point was that she was in pursuit of
 2 sexual interaction with officers, not
 3 that she was being pursued or that they
 4 were after her.
 5 **Q. Did you go to Superintendent Wolf**
 6 **or to Utts or to Karmanic or to anybody**
 7 **else at this prison and say we have ---**
 8 **there's a woman in here who I'm seeing**
 9 **who's in pursuit of officers in a sexual**
 10 **way?**
 11 A. I think I probably did have
 12 conversations with staff members that
 13 were involved in the case regarding my
 14 concerns about Lisa Lambert's
 15 hypersexuality or apparent
 16 hypersexuality. I don't think that it
 17 was anything that was not known in a kind
 18 of a pervasive way in this institution.
 19 **Q. Well, you said officers involved**
 20 **in this case. Who are you referring to?**
 21 **Who did you tell?**
 22 A. Sorry, sir, I don't understand.
 23 **Q. Who did you go to and say, I'm**
 24 **talking with an inmate who is in a sexual**
 25 **way pursuing members of the staff? Who**

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1 **did you tell that to?**
 2 A. I talked with her assigned
 3 corrections counselor about it, Ms. Joan
 4 Kalasa (phonetic). I may have had
 5 discussions with Deputy Karmanic about
 6 it. I don't remember exactly.
 7 **Q. What about with Wolf?**
 8 A. I don't remember ever talking to
 9 Superintendent Wolf about it?
 10 **Q. What about Utts?**
 11 A. I may have had discussions with
 12 Deputy Superintendent Utts about it.
 13 Again, it was not in my opinion any
 14 secret. There was nothing secretive
 15 about the fact that Lisa Lambert was
 16 flamboyant and seductive in her
 17 interactions with the officers.
 18 **Q. You said something earlier though**
 19 **alluded to --- did Lisa Lambert allude to**
 20 **a sexual relationship with Icker to you?**
 21 A. Yes.
 22 **Q. Now, turning to page nine ---**
 23 **you'll see on page eight Walanon**
 24 **identifies --- this is what his summary**
 25 **is of an interview with you.**

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1 A. Page nine or page eight?
 2 **Q. Page eight.**
 3 A. Okay.
 4 **Q. This says that on November 2nd,**
 5 **1994, the above employee was interviewed**
 6 **by this investigator with the State**
 7 **Correctional Institution Cambridge**
 8 **Springs where she has been employed for**
 9 **20 months. He advised the following.**
 10 **Now, does this refresh your recollection**
 11 **as to the time that you were interviewed**
 12 **by Mike, the person you referred to as**
 13 **Mike?**
 14 A. Yes, it does.
 15 **Q. Okay. You'll see in the next to**
 16 **the last paragraph on page nine according**
 17 **to this report you related that there had**
 18 **been an admitted relationship with Icker.**
 19 **That the officer and Lambert had met for**
 20 **sex, were alone in the field house once**
 21 **when inmate Lisa Wazel (phonetic) stood**
 22 **watch and recently had sex in the**
 23 **bathroom of Luder. Do you have any**
 24 **recollection of telling ---**
 25 A. No, I do not.

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1 **Q. --- the investigator from the OC**
 2 **this information?**
 3 A. No, I don't.
 4 **Q. Is it your testimony that you**
 5 **didn't tell him that?**
 6 A. It's my testimony that I don't
 7 have any recollection of telling him that
 8 and I honestly don't.
 9 **Q. Are you denying that you didn't?**
 10 A. I don't know why he would write
 11 it down if I didn't say it, but I don't
 12 have any recall of saying that to him,
 13 no.
 14 **Q. Did you tell anybody --- strike**
 15 **that.**
 16 **Had Lisa told you that she had a**
 17 **relationship with Icker?**
 18 A. Yes. She told me that she had a
 19 relationship with Icker. I've already
 20 testified to that.
 21 **Q. Did she tell you that Icker and**
 22 **she had met for sex?**
 23 A. Not unless she dealt with A, Bs
 24 and Cs.
 25 **Q. Did she tell you that she and**

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1 **Icker had been alone in the field house**
 2 **once when Lisa Wazel stood watch?**
 3 A. For some reason Lisa Wazel
 4 standing watch rings a bell in my head.
 5 **Q. Did she tell you that she had**
 6 **recently had sex in the bathroom of Luder**
 7 **with Icker?**
 8 A. That I don't have any recall of.
 9 **Q. Did you go to anybody in the**
 10 **administration in this institution,**
 11 **Cambridge Springs, to report that Lisa**
 12 **and Icker had been alone in the field**
 13 **house once when Lisa Wazel stood watch?**
 14 A. Say that again.
 15 **Q. Did you tell anybody in this**
 16 **administration from Superintendent Wolf**
 17 **on down --- let me limit the question**
 18 **first to the superintendent or either of**
 19 **the deputy superintendents that Lisa told**
 20 **you that she had been alone in the field**
 21 **house once when Lisa Wazel stood watch?**
 22 A. No.
 23 **Q. Now, wouldn't that have**
 24 **constituted a breach of security if that**
 25 **had occurred?**

<p style="text-align: right;">Page 182</p> <p>1 A. Yes, it would have, sir.</p> <p>2 Q. Do you have any explanation as to</p> <p>3 why --- then you didn't follow</p> <p>4 Superintendent Wolf's instruction to</p> <p>5 report that information?</p> <p>6 A. The only explanation I have is</p> <p>7 that we were --- again, we were dealing</p> <p>8 with letters rather than names, okay.</p> <p>9 Affective the session that I told her</p> <p>10 what I told you I told her. It is quite</p> <p>11 possible, okay, that I knew who B was.</p> <p>12 Q. Okay.</p> <p>13 A. Okay. And that this was what I</p> <p>14 was thinking that she was telling me,</p> <p>15 but, again, her credibility was such,</p> <p>16 okay, that, you know, under the</p> <p>17 circumstances I was going to gather data</p> <p>18 before I went running with this because</p> <p>19 of the fact that we had established the</p> <p>20 letter things.</p> <p>21 Q. Okay. So --- I'm sorry.</p> <p>22 A. And again, honestly I had</p> <p>23 absolutely no confidence in this woman's</p> <p>24 credibility, absolutely none.</p> <p>25 Q. So that I understand what you're</p>	<p style="text-align: right;">Page 184</p> <p>1 okay, who had a mission to engage</p> <p>2 selected male officers in sex with her,</p> <p>3 yes.</p> <p>4 ATTORNEY KRAKOFF:</p> <p>5 Mr. Halloran, this refers</p> <p>6 to attachments, this exhibit,</p> <p>7 attachment one through six.</p> <p>8 Superintendent Wolf's referral, a</p> <p>9 copy of Lambert's signed</p> <p>10 statement refusing to allow the</p> <p>11 taping of her interview, a copy</p> <p>12 of the housing unit logs, a copy</p> <p>13 of Lambert's medical incident</p> <p>14 reports, colored photographs of</p> <p>15 Lambert, copy of polygraph report</p> <p>16 for CO to John Raun. Now, I</p> <p>17 believe that I have received some</p> <p>18 of this. We had photographs. I</p> <p>19 don't think they were color, but</p> <p>20 we received the photocopy of the</p> <p>21 photographs. I believe we</p> <p>22 received the copy of housing unit</p> <p>23 logs. I don't believe that I</p> <p>24 have a copy of Superintendent</p> <p>25 Wolf's referral, although I</p>
<p style="text-align: right;">Page 183</p> <p>1 saying, Lisa might have told you that she</p> <p>2 was alone in the field house once with</p> <p>3 officer B, without naming the officer,</p> <p>4 when Lisa Wazel stood watch. Is that</p> <p>5 your testimony?</p> <p>6 A. That's a possibility, yes. I</p> <p>7 would like to add that at no point, okay,</p> <p>8 in my sessions with Lisa Lambert did she</p> <p>9 indicate to me that any of what she was</p> <p>10 coming up with in terms of sexual</p> <p>11 interactions with officers was unwanted.</p> <p>12 Okay. Or was in any way assaultive never</p> <p>13 ever once.</p> <p>14 Q. Well, did you view the prison as</p> <p>15 a setting --- your being a psychologist,</p> <p>16 as a setting where Lisa really was in</p> <p>17 control of the situation and was</p> <p>18 consenting to these things?</p> <p>19 A. First of all, an inmate is not in</p> <p>20 control of the situation when they were</p> <p>21 incarcerated. Okay.</p> <p>22 Q. Because I'm trying to understand</p> <p>23 ---</p> <p>24 A. I do believe that Ms. Lisa</p> <p>25 Lambert was a highly seductive person,</p>	<p style="text-align: right;">Page 185</p> <p>1 might. But I'm quite sure that</p> <p>2 we don't have a copy of the</p> <p>3 polygraph report for John Raun.</p> <p>4 And in any event, I don't need it</p> <p>5 next week or anything of that</p> <p>6 sort. But I think that if we do</p> <p>7 proceed to trial on this, that we</p> <p>8 should have that whole exhibit as</p> <p>9 it --- as it originally --- the</p> <p>10 whole document as it originally</p> <p>11 was with the attachments. So</p> <p>12 we're requesting that.</p> <p>13 ATTORNEY HALLORAN:</p> <p>14 Your requesting it. Yes.</p> <p>15 We'll get it for the exhibit.</p> <p>16 ATTORNEY KRAKOFF:</p> <p>17 Thank you. And I think</p> <p>18 for purposes, since I have a</p> <p>19 photocopy of Lisa's --- when they</p> <p>20 took pictures of her thigh and</p> <p>21 that sort of thing, it's a very</p> <p>22 bad copy. If you have ---</p> <p>23 somebody probably has the</p> <p>24 originals and we'll pay for that</p> <p>25 obviously. But what I'd like</p>

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1 would be as it was like a clear
 2 --- they can do photocopying of
 3 ---.
 4 A. That would be in her medical
 5 file.
 6 ATTORNEY KRAKOFF:
 7 Just a clear colored
 8 photograph so that we have what
 9 it --- basically what it looked
 10 like. I'd appreciate that. And
 11 that brings to an end this
 12 deposition. I don't have any
 13 other questions. You might.
 14 OFF RECORD DISCUSSION
 15 CROSS EXAMINATION
 16 BY ATTORNEY HALLORAN:
 17 Q. Ms. Wolfgang, earlier in your
 18 deposition you were discussing the
 19 procedures followed in your prior
 20 employment as it relates to taking notes
 21 of interviews with individuals that you
 22 were seeing. In those situations, that
 23 you generally follow whatever the format
 24 was that the employer indicated you
 25 should follow?

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1 A. Yes, sir.
 2 Q. And when you took your notes
 3 regarding interviews with Lisa Lambert
 4 that were referred to in Exhibit Ten,
 5 were you following what your
 6 understanding of the format was generally
 7 for interviews that you were conducting?
 8 A. Yes.
 9 Q. And the same format you followed
 10 with other inmates you interviewed at
 11 that same time?
 12 A. Yes.
 13 Q. Did you also indicate at some
 14 point that format changed from being very
 15 general, just indicating the date of the
 16 meeting, to a format that was more
 17 specific as to the events that occurred?
 18 A. Yes, sir.
 19 Q. And as an example of that the
 20 notes you took regarding Robin Phillips,
 21 which are dated August 24th, 1998?
 22 A. Yes. That's the format that I
 23 use routinely now.
 24 Q. In the course of your testimony
 25 you indicated that you received

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1 information from Ms. Lambert that
 2 Sergeant Raun was staring at her in the
 3 dining room and was stalking her?
 4 A. I don't know if she used the word
 5 stalking.
 6 Q. What do you recall that ---?
 7 A. She might have used the word
 8 stalking.
 9 Q. What was the actual conduct that
 10 she was complaining about?
 11 A. That he was kind of ubiquitous.
 12 Everywhere she went he was there.
 13 Q. And later on in your deposition
 14 you use the term sexual harassment ---
 15 when you used the term sexual harassment,
 16 were you specifically referring to the
 17 allegations of Ms. Lambert that every
 18 time she turned around Raun was there and
 19 that he was staring at her in the dining
 20 hall?
 21 A. Yeah. And I may have used the
 22 term sexual harassment inappropriately.
 23 I probably should have stuck to behaviors
 24 that she reported.
 25 Q. You also testified regarding the

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1 time following the allegations made that
 2 Sergeant Raun physically assaulted Lisa
 3 Lambert in the stairwell and that you had
 4 concerns that Lisa Lambert was placed in
 5 the RHU, do you recall that?
 6 A. Uh-huh (yes).
 7 Q. Was part of your concern that
 8 Superintendent Wolf had overruled what
 9 you thought was the decision of Deputy
 10 Superintendent Utts and the impact that
 11 would have on Lisa Lambert?
 12 A. Yes.
 13 Q. Do you have any reason to doubt
 14 the superintendent's concern for
 15 Lambert's safety when he placed her in
 16 the RHU?
 17 A. No. I think that initially my
 18 upset was based on the issue of trust and
 19 the trust between Ms. Lambert and myself.
 20 And the fact that I had gotten the
 21 assurance from Deputy Utts that she
 22 wouldn't be locked up and then shortly
 23 after that she ended up being locked up
 24 and how that may have impacted her trust
 25 in me. At the time, I didn't understand

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1 what I understand now in terms of
2 Superintendent's Wolf rational for making
3 the decision that he made. I do
4 understand very well now his rational for
5 making that decision which was basically
6 about her protection and her safety.
7 **Q. Earlier in your deposition you**
8 **initially indicated that you were not ---**
9 **or you didn't believe you were**
10 **interviewed by the Office of Professional**
11 **Responsibility. After reviewing the**
12 **report done by Michael Walanon, does that**
13 **refresh your recollection that you were**
14 **interviewed regarding Lisa Lambert ---**
15 A. Yes.
16 **Q. --- and Officer Icker?**
17 A. Well, obviously ---.
18 **Q. With regard to Lisa Lambert?**
19 A. But this is something that I
20 really didn't have any recall of up until
21 just like today.
22 **Q. And at least according to the**
23 **report you were interviewed on November**
24 **2nd, 1994?**
25 A. Yes.

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1 **Q. You were discussing interviews**
2 **you had with Ms. Vasquez and this one ---**
3 **did you indicate that when she was**
4 **talking to you about the conduct of Mr.**
5 **Miller that initially at least she felt**
6 **that it was a matter that she could take**
7 **care of by herself and she could bring to**
8 **an end?**
9 A. Yes.
10 ATTORNEY HALLORAN:
11 That's all I have.
12 ATTORNEY KRAKOFF:
13 That ends the deposition.
14 Thank you. Is she going to read?
15 ATTORNEY HALLORAN:
16 She's going to read.
17 A. Read.
18
19
20
21
22
23 * * * * *
24 DEPOSITION CONCLUDED AT 2:45 P.M.
25 * * * * *